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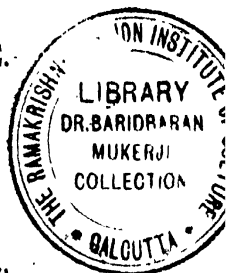




THE  
**ORIENTAL HERALD,**

AND JOURNAL OF  
**GENERAL LITERATURE.**

**VOL. XI.**  
**OCTOBER TO DECEMBER,**  
**1826.**



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OCTOBER 1826.

## TO CORRESPONDENTS.

The following Articles, prepared for our present Number, are, among others, unavoidably postponed till our next. Excursion in Switzerland—Relief for the Distresses of Ireland—John Bull in America—Correspondence of the Hardwicke Family—Parable of Persecution—Hazlitt's Journey through France and Italy—Licensers of the Press—State of Fort William—Newspaper Proprietors at Bombay—Army Commissariat in Bengal—Sensations occasioned by Fires in France—State of Society in India—Duties of Military Interpreters, &c. &c.

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*An Announcement having appeared in the last Number of the Asiatic Journal, under the attractive title, "Disgraceful Attempt to Purloin Intelligence from this Journal," all that we think it necessary to say on the subject, is, that the facts there mentioned were quite as new to the Editor of this Work as they were to the Editor of the Asiatic Journal; that the intelligence there alluded to, was neither wanted for the Oriental Herald, nor would its use have been sanctioned by the Editor if so sought and obtained: in short, that the Editor of the Oriental Herald had no more knowledge of, or share in this matter, than the Man in the Moon. The party accused by name has himself, we learn, addressed the Editor of the Asiatic Journal on the subject: and to them must be left the adjustment of the dispute. All that we need add to this Notice, and that chiefly for the information of persons in India, to whom it might not otherwise be known, is, that an Editor of a Periodical Publication in England has no more to do with the conduct of the Printers, at whose office it is executed, than an Artist has to do with the conduct of the person who engraves his pictures. At Messrs. Bensley's and Mills's office, where the Oriental Herald was originally printed, twenty other periodicals at least were executed. At Messrs. Cheese, Gordon, and Co.'s, where it is now printed, as many others may be undertaken. We have no property in the Office—no capital in the Firm—and no further connexion than that which is occasioned by a contract to pay a certain sum for a certain quantity of work done in a given time. We neither attend the office nor see any of the partners for months together, and know no more of their transactions than of any other printers in London. But if the Editor of the Asiatic Journal really imagines that it could ever be necessary for us to have recourse to his sources of information to fill our pages, he must know much less of our Publication than we had imagined. If he could see for himself the different degrees of eagerness with which the two Works are sought after, whether in England or in India, as soon as they appear, he might be convinced that, in the opinion of the reading world, there is nothing so peculiarly attractive in his pages to excite even a suspicion in any mind but his own, that they were worth cutting open to copy any thing from.*

# THE ORIENTAL HERALD.

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## CONSIDERATIONS ON THE RELATIVE DUTIES AND INTERESTS OF MOTHER COUNTRIES AND COLONIES.

IN a former article on this subject, contained in the Number for August last, we endeavoured to point out what were the duties of Mother Countries towards their Colonies. In the present, we shall endeavour to show what are the interests of the Colonies themselves, as well as what is the course of conduct towards the Mother Country which is most likely to secure the attention of the parent to its dependency, and consequently to promote the welfare of its inhabitants.

Without going again over the ground we have before explored, we shall merely revert to the fact, that Colonies are in general either planted by discoverers, and brought, after a long series of years, from unpeopled wildernesses to highly cultivated countries filled with the descendants of those discoverers; or settled by emigrants, who carry with them the attachment natural to man for the country of his birth; or wrested, by fraud or force, from the aboriginal inhabitants, either by trading intriguers, or more open invaders who come with arms in their hands in professed search after conquest and spoil. In the first of these cases, it is the chief duty of the Colonists to see the natural resources of their newly-discovered country developed with the greatest rapidity and the fewest restraints. In the second, it will be their principal care to provide against an undue interference in the details of their self-government by the power from which they have separated themselves. In the third, it will be their constant duty to resist, as much as possible, the continual encroachment which all conquerors endeavour to make on the rights and privileges of those whom they have subdued. The earliest and most important pursuit of the first class would be the cultivation of agriculture and commerce; of the second, fortification, and the union of all classes for self-defence; of the third, a perpetual and never-ceasing endeavour so to combine the physical and moral energies of their countrymen, and so to increase their intelligence and patriotism, as to compel, by their union, those who



had overrun their country to respect their rights, and rule them with equity, from the continual apprehension that if they did not pay this just price of dominion, they would lose their possessions entirely: thus extorting from their fears what their affections could never be expected to yield.

The whole of South America, while Colonies of Spain, was in the first condition; and New South Wales and the Cape may be considered in the same state, as dependencies of England. The United States of America originally were, and the South American Republics, and perhaps Canada and the West Indies, now are, in the second state, having more to apprehend from legislative and armed interference from the Mother Countries than from any other danger. And India seems especially in the last condition,—that of a captive and a slave, whose chief aim it should be to persuade or compel its masters to make its fetters as little galling as possible, from the fear of otherwise losing entirely all the benefits of its possession. Let us pursue a little farther the inquiry and comparison, as applied to the countries named:

The discoveries and settlements of the Spaniards and Portuguese in the immense continent of South America, from Mexico to Patagonia, opened to the world more splendid visions of future wealth and greatness than had been yet presented by any event whatever. These possessions contained within themselves the seeds of every production, and the materials of every power by which nations are enriched, or the events of human life are influenced and directed. Exhaustless mines of gold, silver, and precious stones, sufficient to furnish the whole world with all that could be required of each for use or ornament; rich savannahs, a teeming soil, and the most genial climate for all agricultural productions; extensive forests, majestic rivers, capacious ports, and an endless diversity of inland country for production, intersected by the largest rivers for conveyance, fringed by the most admirably-adapted coast for commerce with the rest of the world: thus embracing all the advantages that the imagination of man could paint, or the heart of man desire. Directed by even ordinary wisdom, such possessions would have given to the people who inhabited them the utmost degree of abundance and happiness of which any country is capable, and to the nations who held them as dependencies, the most complete sway over all other states and kingdoms of the earth. To effect this, however, the greatest encouragement should have been given to agricultural improvement; the arts of Europe should have been introduced and encouraged in the dependent country; free scope and exercise should have been granted to the intellect of the natives, as well as of the settlers from home, so that mutual and reciprocal information and instruction might have flowed from active mental intercourse; and the commerce of the world should have been open to them, so that they might vend their own productions to the rea-

diest purchaser, and procure their own supplies from the countries which could furnish them at the least cost.

If it be said that Mother Countries only settle and retain Colonies for some pecuniary advantage which they hope to derive from the exclusive monopoly of receiving the colonial productions at a lower rate, or compelling them to take their home-manufactures at higher rate than is paid for each by other nations : even then, the encouragement and freedom given would benefit the Mother Country more than any exclusive monopoly of either the foreign or the home supply : and supposing pecuniary gain to be the only object, though there are many other powerful considerations which often equal, and sometimes surpass this in importance, even this would be more readily obtained by permitting the Colony to grow rich from the full development of its resources in an unfettered commerce, thus enabling it to pay a tribute for protection, which, being rich, would be lightly felt by all, but which, when exacted by monopolies from nations already poor, are felt as intolerable burthens.

What was the course pursued with respect to South America ? The Spaniards, ignorantly conceiving that all wealth consisted in gold and silver, at however great expense of labour and materials they might be raised from the bowels of the earth, first applied all their power to the production of these metals, to the neglect of agriculture, which, if pursued in those colonies, might have made them the source of supply for raw materials to all the world ; and to the neglect of manufactures, which, if pursued at home, might have made Spain equal in wealth and power to the most favoured country under heaven. Next to the folly of directing exclusive attention to the creation of what is only the sign instead of the substance of wealth, was the preposterous notion that keeping all the gold and silver thus raised, within the Spanish dominions, was the way to make *themselves* rich : and that preventing other nations from interchanging the products of their industry, for this gold and silver, was the way to keep *them* poor ! Both these causes were, however, so insufficient to produce the desired effect, that instead of the national resources being increased, they diminished with every succeeding year, and compelled the mother country to resort to a worse expedient than even the two preceding, namely, attempting a monopoly of particular branches of trade by prohibiting all but the King from buying or selling the royally privileged articles, and laying such disproportionately heavy duties on every other branch of trade, as to amount to an actual suspension of all commerce except through contraband channels. The King was the only man in his dominions who could legally trade in the colonial produce of tobacco and snuff ; yet notwithstanding the immoderate use of these two articles by every individual in his dominions above the age of ten, and the extensive consumption thus given to an article of legal traffic, in a country where all trading is looked down upon by

the aristocracy of the land with more contempt than in any other country of Europe—all would not do. Notwithstanding the enormous duties imposed on the manufactures of every nation that attempted to supply the colonies of Spain with goods—amounting to one-third of the whole cargo imported, or  $33\frac{1}{3}$  per cent. on the value, which was exacted from every ship casting anchor in a colonial port, and whether the cargo were offered for sale or not—independently of enormous port charges and other exactions—the revenue continually declined; and the whole country was transformed into one vast multitude of smugglers and revenue officers, cruizers by sea and banditti by land, by whom alternate seizures and rescues of contraband goods, from store-houses guarded by the King's own troops, were constantly occurring, in defiance of authority, and in the open day.

The extent to which this existed, and the manner in which all classes of society were engaged in carrying it on, must have been seen to be conceived. We will mention only two particular features of it which fell under our own personal notice, and to which we can therefore speak with accuracy and confidence. During the frequent intercourse of the King's packets from Falmouth with Corunna, Lisbon, Cadiz, and Oporto, though it is the especial and exclusive duty of these ships to carry only letters and passengers, and although trading or conveying cargo of any description is strictly prohibited by the Post Office authorities under the severest penalties, yet not a vessel of this description ever left England without being literally laden with British manufactures for the known purpose of being smuggled into the ports of Spain and Portugal; and the object, as well as the mode in which it was pursued, was as well known to all the revenue officers of the kingdom as to the smugglers under his Britannic Majesty's flag themselves. The system of misgovernment in Spain had however so entirely corrupted all classes, that from the lowest to the highest individual in the country no one was above the temptation of a bribe; and the King's officers being thus purchased, were the most frequent and most powerful abettors of the illicit trade, which it was the only purpose of their appointment to put down. On the arrival of the British packet at any of the ports named, as at Lisbon for instance, she was met outside the bar of entrance to the harbour by an armed revenue cruizer, sent down on purpose to escort the packet up, and prevent her smuggling on shore contraband goods. It constantly happened, however, that a large Spanish or Portuguese merchant ship bound to La Plata or the Brazils was found waiting for the packet outside the harbour: and there, not merely in sight, but actually under the protection of the revenue cruizer, half the cargo of the packet would be taken out and carried on board the large trader, who either paid for the goods wholly in dollars, or partly in coin, and partly in contraband colonial produce retained on board the ship from her former voyage, and thus smuggled into the

mother country under a foreign king's flag. With her goods obtained from the packet she proceeded on her voyage to the colonies, where they were again smuggled on shore by the aid of the revenue officers: both the mother country and the colony being thus defrauded of all that portion of revenue which a more moderate duty might have secured to each, and that too by those whose duty and whose interest it would have been, under a more just system, to obey the laws which they were now continually tempted to violate. The remaining portion of the packet's freight was taken into the port of her destination, where the following farce almost invariably ensued. On her anchoring near the town, the cruizer that accompanied her in from the entrance anchored within pistol-shot on one side: and for still further security, a second armed cruizer was sent to anchor at the same distance on the other side, so as to render it impossible for any thing to be sent out of the ship without its being perceived. Within an hour after the vessels had taken their stations, a professed visit of ceremony took place between the two revenue captains, and the officers of the packet. At this interview the plan for getting on shore the smuggled goods was arranged, and the amount of the bribes to be given to each of the parties who required to be bought, was settled. Towards sunset, boats of a peculiar construction, fitted for great capacity of burthen and tolerable speed, dropped silently alongside the packet, when they were as silently loaded by the crew of the ship, each having his little adventure to smuggle as well as his commander, and all being deeply interested in success. Before midnight, the boats being loaded, would drop from the ship's side in the direction of the tide, with the men all crouched on the packages, so as to resemble a boat adrift, and floating heedlessly with the stream. When they had got a sufficient distance from the vessel to justify their stirring, the men flew to their oars and commenced rowing. This (which was all preconcerted) apparently roused the attention of the revenue officers on board the cruizers, each of which from that moment became a scene of the greatest noise and bustle. Boats were manned, armed, and pushed off in pursuit of the smugglers, each apparently eager to be first alongside the enemy of which they were in chase. The speed of the pursuers, was, however, always so measured, that they constantly appeared to be overtaking yet never really overtook the pursued, while, to continue the delusion, pistols and muskets with blank cartridges were discharged in quick succession—cutlasses were flourished and clashed against each other in the same boat, and all the noise, smoke, and confusion of a real battle were sustained for hours, so that the crews of all the ships in the river and the inhabitants of all the houses on shore were led to admire the zealous and dauntless spirit of the revenue officers in the performance of their duty. The Gazette of the following day contained compliments to their bravery, and sometimes rewards were even bestowed on the parties for the successful deception of

the higher authorities, and the plunder of the King's treasury; which rewards were added to the bribes received from the English smugglers, and divided, as prize-money, amongst all the parties instrumental to the enterprize.

While these scenes were occurring in the ports of Spain and Portugal, the following was the mode in which commerce was conducted in the Colonies of these respective countries: We will take the Gulf of Mexico as an example, having been a witness of the trade there as well as in the Mother Country. English vessels from London, Liverpool, and Lancaster, came to the Bahama Islands, laden with every variety of British manufacture, but more especially with cotton goods. These were landed at Nassau in New Providence, and retained in the warehouses of traders established there, to be exported from thence as occasion served. At frequent short intervals, there came up to the Bahamas, from Porto Bello, Vera Cruz, and other ports of the American continent, large boats, bringing with them a sufficient quantity of gold and silver, in doubloons and dollars, to purchase a full lading of British manufactures for their return. For this, they paid ready money on the spot; and sailed off again for their homes. On arriving near the coast, their operations were similar to those of smugglers elsewhere, acting on a preconcerted plan of signals; with this difference, however, that there was less need of caution on their parts than is required from smugglers generally, as all the revenue-officers were bribed by a participation in the gains of the adventure, and were all, therefore, parties aiding and abetting the success of the transaction. There scarcely occurred an instance of seizure within the year; the country was filled with goods at comparatively moderate prices, and the adventurers were enriched by their sale; but the whole commerce of the country was illicit or contraband, and accordingly the revenue from foreign trade was absolutely nothing.

A state of things so unusual as this must have required a powerful agency to maintain it; but the facility of this will be better understood, when it is stated, that the priesthood were the chief supporters of this system of fraud and deception. Neither in Lisbon nor Cadiz, in Oporto nor Corunna, was there ever any great smuggling transaction in which there was not a priest as one of the chief agents. And in the Colonies, every vessel engaged in the smuggling trade had one or more priests on board, while others remained on shore to prepare for their return by absolving the revenue-officers from their sins, and soothing the consciences of all who might be necessary to be brought over to their purposes.

It was in this manner that the gold and silver of America found its way out of that country, and the manufactures of England found their way in, without benefiting either the Parent State or the Colonial Government by the exchange, but, on the contrary, impoverishing both, while both might have been enriched and the morals of the

people preserved under a system of such moderate duties as would have admitted of an open trade under the sanction of the law and have removed all temptations to evasion. We have gone more into detail in this matter than some may think necessary; although it would be easy to multiply examples of similar effects resulting from similar causes, in Turkey and other countries as greatly misgoverned as Portugal and Spain. But if we have succeeded in showing that the interests of the Colony were sacrificed (without thereby promoting the interests of the Mother Country) by the absurd attempt to make the one subservient to the exclusive benefit of the other, we have done all at which we aim, and the digression, if it be so considered, will not have been unprofitable.

To return to the order of our inquiries. We have shown that the absurd restrictions and prohibitions imposed by the Mother Countries on the Colonies of Spain and Portugal in South America, so far from giving to the parent states that monopoly of advantage from their distant dependencies, which it was the chief aim of these restrictions to secure, impeded the growth of the Colony, without producing the least benefit to the Mother Country; and so uniformly do similar causes produce similar effects, that this hindrance to prosperity has in every case marked the same prohibitive system, by whatever country imposed, or on whatever country inflicted. New South Wales and the Cape of Good Hope have each felt the evil of the system, though every successive administration witnesses some relaxation of its severity, and every such relaxation is attended with corresponding benefits; it is only in proportion, indeed, as it is departed from, that the energies and resources of these and all other of our colonial dependencies are developed to the advantage of the parent as well as its offspring.

This leads us to the consideration of the duty and interests of Colonies standing in the situation described in the second class, namely, those in which the greatest danger to be apprehended is from the interference of the mother country with the details of their self-government, as in the instance of the Canadas, the West Indies, and others, chiefly peopled by natives of Great Britain and their immediate descendants, and having local legislatures of their own. It was the attempt to push this right of interference too far in the North American colonies, which lost us the whole of the countries now forming the United States, and raised up a nation, already our rivals, and more likely in a shorter time than is generally contemplated to be our superiors than any other nation that can be named. It is this, indeed, which generally leads to the revolt of all colonies. Neglect of their agricultural resources, and restrictions on their commerce, merely keep them in a state of degradation and impoverishment, without benefit to the party imposing the restraints; but attempts at undue interference with local legislatures, and with local feelings and opinions, are measures that stir up rebellion,

and provoke to unanimous resistance: as we have very recently seen in the case of the Canadas, where a covert inclination exists to throw themselves into the arms of America; and in the West Indies, where the disposition is strong, and the power only wanting, to declare themselves independent of Great Britain. It would be fortunate indeed for England if this latter event could take place, as it would save us from the odium of encouraging, which we do by our bounties on West Indian produce, the horrid system of human slavery; and from the heavy pecuniary tax which these bounties draw from the pockets of the people in support of a system which all the intelligent and humane portion of them abhor. It would, moreover, remove one of the greatest obstacles now opposed to the extension of our Indian commerce, by relieving the produce of that country, received in return for our manufactures, from a dead weight which operates as a complete check to production and sale. Now, notwithstanding that the West Indians, in making this resistance to the interference of the mother country in their legislation, are actuated by hostility to improvement in the condition of their slaves, well-knowing, no doubt, that to instruct a slave is to make him perceive more clearly the horrors and injustice of slavery, and thereby to turn their ignorant and unresisting instruments into reflecting and powerful beings, ready to perceive, and able and willing to demand their rights; yet, they are justified in asserting the principle, that wherever a local legislature, elected by the local inhabitants exists, and these have no voice in the councils of the mother country, the Colonists are the fittest judges of the laws proposed to be introduced among themselves. It was the defence of this principle which led to the American war. The people would not slavishly submit to duties on tea and on stamps, imposed on them by the mother country, without that consent which is first asked and obtained from the representatives of the smallest borough in England, before it can pass into a law. If it be absurd that Leeds, Manchester, and Birmingham, should be without their chosen representatives in the senate of the country, while Old Sarum and Corfe Castle each send their two members to plead the cause of mouldering walls, it is not less absurd that such colonies as Canada and the West India islands, or indeed any other portion of our dependencies, should be without representatives in the House to defend their interests, and to give their consent, in common with the rest, to measures by which their welfare is so deeply affected. If Lord Bathurst and Mr. Wilmot Horton combine within themselves sufficient wisdom and virtue to rule all the vast colonies of Great Britain, without reference to the wishes or feelings of the millions by whom they are peopled, and merely consulting the other members of the cabinet when some order in council is to be sent out, to alter the usual course of things, there can be no good reason why the King and the Commander-in-Chief of the Forces should not be in themselves quite sufficient to originate all the civil and military

measures necessary for governing the people of the mother country, without consulting the wishes or feelings of any other persons than those necessary as their instruments to carry their orders into execution. It is, however, in consideration of the avowed incapacity of the Government of any mother country to devise measures that shall be always well-suited to the condition of its distant dependencies, that local legislatures have been given to most of them to supply this deficiency ; and wherever the representatives, filling the senates of such dependencies, are chosen by the voice of the inhabitants, or any portion of them, there should they most strenuously defend the free and full exercise of their functions from every attempted interference of the mother country, as this is generally the only shadow of freedom granted them, and if this be wrested from them, or if the parties exercising it be overawed in the performance of their duties, nothing remains for them but abject submission.

The question might be here raised, why there should be any difference in the laws or privileges of any one portion of the British empire and another ; why, for instance, there should be one law for the Isle of Wight, another for the Isle of Man, another for Guernsey, Jersey, Alderney, and Sark, a still different one for the Bahamas and Antilles, others again for the Cape, Mauritius, New Holland, and India ? We should answer, that inasmuch as it is found quite practicable to govern Hampshire and Northumberland, Kent and Cornwall, by the same laws, though standing at the extremities of the kingdom, there would be no difficulty whatever in governing the remotest portions of the empire by the same laws, and even administering them in the same form and same language. If it might be found prudent to permit the natives of conquered countries to retain their own customs, this at least need not interfere with the full enjoyment, by the conquerors themselves, of the laws and privileges enjoyed by their fellow-countrymen at home. But the obstacles to their universal adoption must be less powerful than is pretended ; for wherever the conquering invader, or the emigrating settler, is strong enough to make the rightful possessor of dominion and the lawful owner of the soil yield up their power and their property to the hands of others, there it would be quite as easy for the same parties to make them also abandon their established institutions. Men will not part with either power or property till they see that resistance is vain ; and then they will part with every thing else. Nor can it be said to be in the least degree more cruel to take away bad laws and substitute better in their stead, even against the will of those who are called upon to abrogate the one and obey the other, than to take away life, power, and property, which must be all violated and destroyed before any invaders or colonizing settlers can possess themselves of the country in which they plant their standards, if already inhabited by other and civilized people, and if altogether unpeopled, or in the hands only of savages, no such difficulties, as to introducing the laws of the mother coun-



try, can at all occur. It is absurd enough to judge one class of his Majesty's subjects by Spanish laws, as at Gibraltar and Trinidad ; another by the institutions of the Knights of St. John, as at Malta ; a third by the Dutch laws, as at the Cape and Demerara ; and a fourth by the French, as at the Mauritius and other conquered or ceded islands. But as the subjects to whom these laws apply were once under their dominion, and *may* have become attached even to bad laws, it is not half so absurd as the making the British-born subjects, who quit England to inhabit such settlements, abandon the laws of their own country, which their rulers pretend to be " the envy of surrounding nations and the admiration of the world," to adopt the laws of the less civilized people whom they have subdued, however revolting to their own notions of justice such laws may be. In the first case, if the original laws of the conquered colony afford more liberty to the people than the laws of the conquering nations, there will be good grounds for the inhabitants preferring to retain them, and asking, as a condition of surrender, that they should be guaranteed in their enjoyment. But for the native inhabitants of the mother country themselves to be subjected to one code of laws in one portion of their own empire, and to a dozen other different codes in other portions of the same dominion, is both unwise, unnecessary, and unjust, and must be a source of continual dissatisfaction, without being attended with one redeeming benefit that we have ever yet been able to perceive or imagine.

It would seem, therefore, most especially the interest and duty of all Colonies, not only for the aboriginal inhabitants of them to preserve inviolate every portion of their own laws which afford them security and protection, and prevent, by every means in their power, the undue interference of the distant legislature with their local government ; but also for the settled or colonizing inhabitants to insist, as strenuously and unitedly as the importance of the case enjoins, on the full enjoyment of all the privileges belonging to them as birth-rights, and to direct their continual vigilance to the repression of every attempt to deprive them of their exercise.

In entering on an examination of the third class of dependencies, which, being wrested from their original possessors by fraud or force, are laid, as it were, at the feet of the usurpers and subject to their entire will and pleasure, India, the most extensive as well as the most important of all our distant possessions, immediately strikes us as being precisely in this condition. In all other colonies there is a mixture of those who originally took possession of the territory planted, and those who subsequently, of their own free will and accord, without the leave of others being necessary to such a measure, emigrated from the mother country to settle in the colony, purchase estates, and pursue their own views there, after their own manner and by their own unassisted means. To such colonies most of the remarks we have hitherto offered

will best apply. But India occupies a totally different position from all other dependencies ever yet possessed by any parent nation. Though it is more than 200 years since our first commerce with and settlement of factories in Asia, which was even then highly civilized, and fit for the immediate reception of every description of improvement, it is not yet colonized by Englishmen, nor have either the English laws, language, arts, manners, or religion, made the least visible progress there in the course of two centuries; while in exactly the same space of time (for it is little more than 200 years since Sir Walter Raleigh made his first settlement in Virginia) the United States of America have, from a barbarous, wild, uncultivated, and uncivilized country of savages, become one at least of the most intellectual and powerful nations on the face of the globe. Here is a fact, which contains within itself sufficient food for long and deep reflection—a fact which might form a text for many valuable and important lectures—a fact which, if followed up to its source, and developed in all its consequences, ought to rouse the attention of the whole nation to the awful lesson which it teaches. But the lessons of history and experience, though the most unerring in the truths they teach, are, unfortunately, of all others, the most commonly disregarded, except by minds of the very highest order. The fact, however, is undeniable—that about 200 years ago (in 1601) the first fleet was fitted out by the East India Company and the first factory settled in Sumatra; and that about the same period (1606) the first company of adventurers obtained a patent from James the 1st, and laid the foundation of James Town in North America. The condition of the Eastern world has not improved since then, in any one particular. The people are neither so wealthy, so enterprising, or so intelligent, as they then were:—in all these respects they have retrograded—while in general civilization, in knowledge of the arts and sciences, and in religion, they remain just as barbarous, as ignorant, and as superstitious, as at the first hour in which the British standard was planted on their shores! Of the Western world, whose beginnings were so much more unpromising, whose aboriginal inhabitants were mere savage hunters, and many of whose earliest settlers were the criminal outcasts of the mother country, we need only say that the world has never seen so rapid an advancement in all that is good and great, whether this be considered to centre in virtue, knowledge, wealth, power, freedom, or purity of religion, as that which has been made by North America—a country the very existence of which was unknown to Europe when India was in the zenith of her greatness!

To what then must this difference be ascribed? Not surely to any peculiarities in the physical conditions of the two countries in question; for, previous to the settlement of the English in either, the American Indian had never advanced beyond the savage state, whereas the Asiatic Indian had attained an eminence scarcely in-

ferior to that of the most civilized countries of the earth after the decline of the Greeks and Romans. The difference is solely to be ascribed to this—that America was, from the first, freely open to the gradual introduction of all the skill, enterprize, capital, intelligence, and freedom of the mother country ;—while India has been, from the first, rendered inaccessible to all these blessings by the curse of a trading monopoly, whose ignorant and selfish policy has always made the exclusion of their countrymen the chief feature of their own administration, and the invariable condition of all their treaties with every power in Asia with whom they have ever come in contact.\* An “interloper,” as every man not in the Company’s service, or not licensed by them to reside in India, was originally called, was viewed by them as an enemy to whom they owed no quarter, and every unhappy individual so found, was seized, imprisoned, and in some cases sent in irons on board the first ship that happened to be ready, to remove him from any share in their ill-gotten spoils. And even to the present hour an “unlicensed” Englishman found in India is considered to be in the hourly commission of a misdemeanor at law ; and may be transported without further inquiry or hearing, though no offence of any other description can be imputed to him by any living being !

In inquiring which of these systems is the best, one need only look to the different effects they have produced. The best answer is to be found in the fact, that in the country cursed by the East India Company’s monopoly, the condition of the people has become worse, the system of government has remained stationary, and ignorance, superstition, and crime, are the only things that have advanced ; while in the country freely opened to all against which India is so carefully shut, the wealth, intelligence, power, and happiness of the people have increased in a ratio never before witnessed in any age or country under the sun ! Let the ministers of England reflect on this : and feel how awful a responsibility lies on their heads as long as they countenance and protect a system producing all the evils that afflict the country and retarding all the good which, but for this system, would be sure to bless the millions of human beings intrusted to their care. Let the people of England also reflect that inasmuch as they encourage, by their silence and indifference, the continuance of this policy towards a land which they call their own, they are participators in the guilt of their rulers,

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\* We have before us at this present moment a copy of one the late Treaties of the East India Company with the Rajah of Bhurtpoor, dated April 17, 1805, in which is the following article :

“ Art. VIII. The Maharajah shall not, in future, entertain in his service nor give admission to *any English or French subjects : or any other person from among the inhabitants of Europe*, without the sanction of the Honourable Company’s Government : and the Honourable Company also engages not to give admission to any of the Maharajah’s relations or servants without his consent.”

and deserve their full share of all the odium which it so justly entails on the very name of England.

But what, it will be said, is it the duty and the interest of the people of India to do, in order to relieve the country they inhabit from this incubus, that hangs, like the deadly night-mare, on all its dreams of prosperity? It is this: 1st. To unite all their means and efforts to obtain from the legislature of this country, by petition, argument, remonstrance, and even purchase, if that can be made practicable, the admission that India is an integral part of the British empire; and entitled, as such, to a full enjoyment of all the privileges to which such an admission would lead. 2dly. To urge, through the Press and Parliament of this country, their unhappy case upon the attention of the great body of the English people, among whom there is still a sufficient number of humane, high-principled, and influential men, to espouse a good cause, if brought home to their bosoms and feelings; and sufficient talent to impress the leaders of the cabinet with the importance, and even necessity, of some amelioration in the condition of the vast country committed to their care. This, however, is not to be done by merely muttering dissatisfaction over a glass of claret or a hookah, and whispering aspirations after relief in the ears of confidential friends. Neither is it to be accomplished by the puerile and abortive attempts which are from time to time made to excite a fellow feeling of sympathy or mutual condolence in the newspapers of India, whose murmurings drop, still-born, as it were, from the press; make no impression on the minds of the rulers there, as far as inspiring a disposition to alter the existing state of things is the object; and are either unknown or divested of all interest or power by the time they reach this country, where they are seldom or never seen, or, if seen, not in the slightest degree heeded by those in whose hands the power of applying remedies to admitted evils is reposed.

Is there then no hope, it will be asked, for degraded and deserted India? Yes! there *is* a hope, but the means of realizing it are such as the people of India do not appear to have the penetration to perceive, or, if they have, they want the virtue or the courage to carry it into effect. If the sums that have been voted for statues, pictures, balls, and entertainments to tyrants and their satellites, had been appropriated to the purchase of their emancipation from the slavery in which they exist, it would long since have been accomplished. The houseless Highlanders, the starving Irish, the struggling Greeks, and the wounded at Waterloo, have justly and deservedly excited their sympathy, and shared a portion of their wealth. Against this there can be no complaint. Even their subscription of 10,000*l.* to encourage the navigation from England to India by steam, was an object not unworthy their patronage, although, if ever likely to be profitable, private enterprize would have attempted it without such rewards. But, one would

think, that civil and political liberty was a blessing *equally* entitled to their regard ; that an improved system of government for themselves, a free colonization, an unfettered press, an unrestrained exercise of industry, and a full enjoyment by every man of the produce of his skill or labour, free from the despotic intrusion of a power that may blight all his prospects at a breath, were *as fit* to be purchased by a sacrifice of wealth, as independence for the Greeks, who would have been better off had they relied more on their own resources ; as food for the Irish, which is only sparing the great Irish absentees, whose lands should have furnished the supply ; as quick voyages for the servants of the East India Company, the expense of which should be borne by their masters, who benefit by this increased speed ; and, above all, still *more fit* to be bought by general contributions from every individual's purse, than honours to tyrants, who deserved only execration ; than statues, never sculptured ; than pictures never painted ; or than a thousand other senseless and mischievous purposes for which subscriptions have been raised in India, and no where more profusely or munificently filled.

If, for instance, the amount of a crore of rupees (which is less we believe than the sum intended to be invested in Mr. Trotter's Joint Stock Agency Company in India) were to be raised in shares among the people of that country, and placed at common interest, either in India or here, the principal need never be touched, but held sacred and inviolate till the great object for which it was raised should be accomplished, when it should revert undiminished in amount to the original subscribers ; while the mere annual interest of such a sum would purchase the services of fifty advocates of first-rate talent, for whom seats might be obtained in Parliament, at an annual rate of payment to patrons of boroughs, which is as practicable a mode of purchasing seats as by the payment of the full sum at once ; and the united efforts of such a phalanx would accomplish what no single, divided, and unsupported efforts of individuals, however zealous or intelligent, will ever be able to achieve. But if the means for fifty such advocates were not available, ten, or even five, would be worth retaining ; for these, exclusively devoted to co-operation in one great labour, would produce an effect not hitherto witnessed in the senate or on the country. When it is considered that a hundred petty villages and fishing towns in England each send their two members into Parliament—that the West India islands, on any question affecting their interests, can produce a body of more than a hundred advocates, deeply interested, by property in the country, in the result of any measure proposed—while for India, and its hundred millions of people, not one exclusive representative is to be found, it is no wonder that the very name of the country should drive the members from their benches, for who would remain to hear details which it is no one's particular duty thoroughly to understand, or

no one's interest to lay before the house and the country in such a manner as to win their attention and excite their sympathy. It was not so when the talents of Burke, Fox, and Sheridan were directed to the exposure of Indian misrule. It would not now be so, if the talents of Brougham, Mackintosh, Burdett, Tierney, and others, were exercised on the same great subject. And why are they not? it will be inquired. Was the philanthropy of Burke and his colleagues more active than that of the patriots of the same school in our own days? Certainly not. But there was then a hope of defeating and displacing men in power, and a consequent admission to vacated offices, which animated the bosoms and inspired the tongues of the impeachers of Warren Hastings; without which, notwithstanding the truth of the charges against him, their denunciations would probably never have been heard. There is no such hope to be indulged from any agitation of Indian questions now; and therefore they are not agitated, except by an occasional and unsupported effort of some disinterested and benevolent individual, who, belonging to no party, is left helpless and alone in his career. But though that stimulus of hope cannot be applied, the equally powerful one proposed is fortunately still practicable: as at any moment a score of highly-gifted individuals might be found, who would readily accept a seat in Parliament on condition that, while so holding it, they should be free to exercise their own discretion on topics of general interest brought forward for discussion, provided the emancipation of India from the fetters that now bind her in civil and political slavery should form the prominent object of their united labours to achieve. Such seats are as purchaseable as any other commodity in the market: and the means of having any great public cause advocated in Parliament are, therefore, as accessible to all classes who possess wealth and have the disposition to unite their contributions for the common good, as are the means of prosecuting any suit in a court of law. In the latter, indeed, the payment of the established fees will procure the ablest men at the bar to advocate any side of a question proposed to them by their client, whom, whether right or wrong, they conceive themselves bound by their fee to defend. In the former, however, such exact stipulations, and such entire abandonment of judgment on the part of the advocate, would not be necessary. It would be enough to choose the avowed friends of the freedom and improvement of the human race, to purchase their admission to the House, without giving them any fees, on condition that, among their other duties, they should make the interests of India their peculiar study and care; and the rest might be fairly left to their discretion. We have no hesitation in saying, that if only a portion of the money spent in useless and pernicious objects in the East, to say nothing of the vast sums sacrificed every year to prosecute appeals against unjust judgments and abuses in that distant country, were applied by some unanimous effort to the end here proposed, the people of

India would receive, in three years, more solid advantages from such an expenditure than they have ever yet done from every attempt hitherto made to improve their condition.

With such a measure as this, we should see all the duties of that great country fulfilled, and its interests carefully guarded and promoted. We should see its agricultural and commercial resources developed ; its institutions purified ; its rights and privileges defined and protected ; its wealth, intelligence, and power, continually increased ; and its people respected, free, and happy. These are the greatest of all duties which man in any state of existence can perform—the greatest of all the interests which his efforts can promote. The means are chiefly in the hands of the people of the colonies or dependencies themselves ; and if the mother country has not wisdom enough to perceive, or virtue enough to carry into execution measures necessary for advancing the welfare of her settlements (in which must be included the greatness of her own parent state) it then becomes the imperative duty of the dependent country to think and act for itself, and endeavour to enforce from its unwilling parent the fulfilment of its sacred obligations, by gentle and persuasive measures as long as these may avail, but when these are met with indifference and scorn, by such more commanding resources as God and Nature have placed at the disposal of men and nations for their own protection and defence.

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#### THE BETRAYER.

THE rose had lent its brightest hue  
To Laura's lip of fire,  
And Heaven had given its chastest dew  
To cool impure desire.

But man betray'd, while virtue slept  
In love's seductive spell ;  
And the warm tear that beauty wept  
Unseen, unpitied, fell.

Oh ! weep no more, sweet injured maid,  
For each repentant tear  
'To Heaven has told thy faith betray'd,  
And seal'd thy pardon there.

Thy sorrowing eyes' imploring ray  
Will bring from Mercy's brow  
A smile to chase thy fears away,  
Bright as the mountain snow.

And angels, when they write the line  
On Truth's recording roll,  
Will stamp the guilt, no longer thine,  
On thy betrayer's soul.

## ON THE EXTINCTION OF CHRISTIANITY IN JAPAN.

Among the bad qualities of religious persecution, incapacity to effect its object is very often enumerated; it being generally supposed that no kind of opinion, however absurd, has ever been put down by force. Perhaps this mistake has no evil tendency; but that it *is* a mistake may, we think, be proved with the utmost clearness. The human will, we allow, is difficult to be subdued; but there are modes of suffering, and degress of pain, which, skilfully contrived, and relentlessly administered, would wring compliance from almost any thing in the shape of man. The honour of martyrdom is much more frequently owing to the precipitation of the persecutor than to the courage of the sufferer. Publicity, too, has its share in contributing to increase the fortitude of persecuted men. Solitary dungeons, and the silent mining of want, embittered occasionally by fearful infliction of torture, by horrible forebodings, by tremendous suggestions to the fancy, would dissipate any degree of courage, could the body be made to withstand the perpetual presence of agony, until the mind had lost its elasticity. Thousands succumbed in the vaults of the Inquisition, who, in open day-light, would have braved the impaling stake and the fire. It seems probable, likewise, that many sects of Christians were swept away in the early ages of the church by the unceasing persecutions of the orthodox; and it is very certain that the stream of orthodoxy itself, so far from widening, as some have pretended, and growing stronger from being put under the superintendence of the public executioner, shrunk, narrowed, and almost disappeared during the fierce bursts of persecution. It was something very different from the violence exercised towards it, that gave energy and effect to the principles of Christianity, but what that something was, it is not our present business to inquire: we merely propose giving a description, in as few words as possible, of the extinction of Christianity in Japan, an event which, properly viewed, may give rise to many useful reflections.

The first communication that ever took place between the Japanese and any Christian people happened very early in the sixteenth century; for the Portuguese, at that time, all-powerful in the eastern seas, contrived to open a traffic with them through the medium of the Chinese and the people of Siam and Camboia. About the year 1549, the Jesuits began their operations for the conversion of Japan: at first, they experienced considerable difficulty in obtaining belief in the few dogmas they propounded; the pagans stood up stoutly for their gods; reasoned acutely; and only gave way when vanquished by superior subtilty. It is thought, indeed, that even the little success which Christianity experienced in that



country was chiefly owing to the countenance of an Epicurean sect of philosophers, who thought it less absurd than the received superstitions. However this may be, the Jesuits laboured in their mission with indefatigable zeal, and succeeded, in the course of a few years, not only in converting a great number of ignorant people, but several governors, also, or tributary kings. Nay, they proceeded so far as to obtain in one whole province the prohibition of every other religion than Christianity. They saw rich and numerous congregations springing up about them, and to give greater eclat to their faith, and greater consequence to their followers, they erected, in various places, very splendid churches. They were still, however, but ill satisfied with their good fortune, while they could behold, from the doors of their churches, innumerable worshippers thronging around the temples of Buddha or the Kami, and evincing the greatest satisfaction with their idolatry. The temples of the Japanese, as well as their houses, are built and roofed with wood, cut into shingles, which lap over each other like tiles. On this account they are very combustible; as well as from the number of straw mats, piled up here and there, for the worshippers to kneel on, while repeating their orisons. It is well known, also, that Roman Catholics are so partial to candle-light that they even assist the sun-beams with tapers, on particular occasions. In Japan they turned them to account in a different way—they set fire to pagodas, and enjoyed the delight of beholding the idolators wailing over the cinders of their gods. But whatever be the deities men may happen to worship, there are few who would be pleased to see their temples set on fire by the priests of a foreign country and another religion; more particularly if these pious men proceed to such extremities before they have rendered themselves masters of the country. It should be a rule with those who think the destruction of other religions necessary, to subdue the people first, and then burn their temples and their gods;—for the gods of a vanquished country may almost always be burned with impunity, although it is not an easy matter without previous conquest.

This desperate step was not, we believe, attributable to the Jesuits; at all events, the Japanese Government was first provoked to severities by the indiscreet zeal of certain holy friars from the Philippines. Previously to this, however, the Jesuits and their noble converts had come to a rupture on the subject of polygamy, the latter not being able to see why they should divorce their wives because they had changed their opinions; and the former insisting that those who embraced their faith ought to have but one wife. The Japanese nobles, feeling the religion of the missionaries insinuating itself farther into the business of life than they thought proper, and observing that it threatened to interfere with the laws as well as opinions of the country, withdrew their protection from it; and immediately Government issued a decree commanding the instant departure of the Jesuits. Nevertheless, no severities were

exercised towards them, nor was the decree put in force, in fact. The Jesuits merely kept themselves quiet, and awaited the passing of the storm. However, when the pious friars arrived, and commenced operations anew, with more zeal than wisdom, the spirit of the Japanese Government was aroused, and they found, to their cost, that although Catholicism was orthodoxy in Portugal and Spain, it was heresy in Japan: and was to be repressed with physical arguments, hardly equalled in cogency by the racks and pulleys of the Inquisition. They might as well have gone on a mission to convert the Boa Constrictors, or the Caymen of South America. A hell of tortures started up suddenly around them; for, about the same time, the Japanese Government either discovered, or thought it discovered, proofs that these friars were only the pioneers of political invasion. Arms were found in a Portuguese vessel taken near Orudo; and the captain, having boasted of the vast conquests of his countrymen, and being interrogated on the means, replied: "That these were made by sending missionaries, who converted a large proportion of the people, after which an armed force was landed, and, being joined by those converts, soon made themselves masters of the country."

These words sealed the fate of Christianity in Japan. The emperor, enraged beyond conception at the cajoling instruments of a policy so nefarious, determined on plucking up the new faith, though its roots should bring up with them the heart's blood of his subjects. Undoubtedly the wish of Caligula, in miniature, fluttered on his lips; he would have been happy had the hated sect had but one neck, that he might have struck it off at a blow. Jesuits, friars, proselytes, all were marked out for extermination; and the business of destruction was commenced in a spirit so fierce and bloody, that the horrible legends of the ancient martyrs seemed tales of humanity in comparison.

It is conjectured that the number of Christians in the Japanese islands, at the breaking out of the persecution, amounted to upwards of forty thousand; in which number were included persons of every condition, age, and sex; petty kings, gentlemen, peasants, with their wives and children. The burning of a few half-starved Jews or heretics at an *auto-da-fé* in Portugal was nothing to what the friars now witnessed: men, women and children were gathered up from the earth, like so many poisonous reptiles, and subjected to tortures, and pains, and anguish, which even now, at the distance of two hundred years, curdle the very blood in our veins. They cannot now be described, though a hard Dutch pen was found at the period equal to the task. Conceive the most horrid chapter in Fox's 'Book of Martyrs,' adorned with new cruelties and torments, and you may form some conception of the sufferings which thousands underwent in Japan for differing in matters of opinion from the established church. At all events, we must leave the details of

most of these executions to the imagination of the reader ; for the ferocity of these Oriental persecutors contrived to unite obscenity of the most unspeakable nature with deliberate fiendish malice.

In the years 1622, 1623, about one hundred and thirty persons were executed. Some of these were burnt by slow fires ; some were decapitated ; some, the cords which bound them being burned, rushed out of the flames, and offered to make recantation, but were beaten back and consumed. As the magistrates were very sparing of wood, which is somewhat scarce in that country, the bodies of the martyrs were rather roasted than burned ; which circumstance was turned to a singular account, for, as the executioners and the crowd retired from the field at night-fall, the Christians immediately repaired thither in the darkness, and brought away all the flesh that could be taken from the bodies of the priests, to be preserved as relics ! This proceeding excessively irritated the magistrates ; but they fully resolved that on the next occasion their vigilance should leave nothing that could possibly be converted by the Christians into incentives of superstition. The bodies of the priests next executed were, therefore, reduced to ashes, and thrown into the sea, as were also the heads of such as were decapitated, together with the disinterred bodies of Christians long dead and inhumed. These heads, however, if not the ashes, though cast into the deep above five leagues from the coast, are said to have been miraculously driven back to the beach by the winds, and preserved as relics.

A remarkable feature in these executions was, that children, from six to twelve years old, were put to death with their parents ; and one of these, not more than seven years of age, walked to the stake with the greatest intrepidity, singing Christian hymns as he went. It should be remarked, however, that these children were not constrained to suffer martyrdom, and always had their lives offered to them by the magistrates. Some accepted the offer ; but on such occasions the fury of their parents was so great that, snatching up their trembling children, they rushed with them to the place of execution, and inscribed their names in the martyrology with their own hands ! In other words, they murdered them.

We have already observed, that the manner in which these martyrs suffered cannot be minutely described : some were burned—some drowned in the sea—others were hurled down lofty precipices into the foam of cataracts—others scalded to death in burning springs—women were violated by furious animals, or profligates still more odious, and, after being compelled to crawl on their hands and feet through the town naked, were thrown in that condition into large tubs, filled with vipers and serpents, that crept into their bodies and stung them to death ! Other execrable practices they invented, which humanity shudders to think of, and which modesty refuses to relate. Some were carried to boiling springs, enclosed within high mounds of turf, and exposed to showers

of this burning water, till they expired. Others were branded on the forehead with hot irons, and then turned naked into the woods to perish, all persons being forbidden on pain of death to harbour or succour them. Others were enclosed within circles of high stakes upon the sea-shore, where they were nearly drowned at flood-tide, and left dry during the ebb. There the burning sun and gnawing hunger were their torturers, a small portion of food being occasionally administered, to prolong the sense of suffering as much as possible ; by which means the poor wretches sometimes survived twelve or thirteen days. A more fearful kind of torment was sometimes inflicted on parents : for, their eyes having been covered, that darkness and uncertainty might give fancy room to wrack itself with indefinite horrors, their children were brought close to them, and put to the torture ; and this frequently wrought so violently on the hearts of fathers and mothers that they dropped down dead.

In discovering their victims, the magistrates of Japan evinced as much perseverance and ingenuity as they afterwards did in punishing them. It was made capital to harbour a Christian, and as often as one of this sect was discovered in a house, not only was every soul who had lived under the same roof put to death, but also all those of the next four houses, two on each side of the tainted dwelling. This severity was intended to rouse the people to keep watch over each other. The ends of all suspected streets were closely barricaded, and officers visited every house in the city, and every room and office in each house. Sometimes they discovered missionaries boarded in, in dark niches in the wall, where they had lived concealed for months ; at others, in holes dug in the sides of drains or sewers, where they were nearly suffocated with stench. And one or two were found in the huts of lepers, on moors and unhealthy marshes, whither those poor wretches are driven from the cities of Japan.

The object of the persecutors was changed in the course of their proceedings : at first, they aimed at nothing short of total extermination ; but this was before they knew the number of Christians, for when they found they had forty thousand victims to cut off, they were staggered, and began to think of producing recantation. Even this method was soon felt to be woefully tedious ; for a man who believes that two and one do not make three, can hardly be rendered a better arithmetician by having boiling water sprinkled on his head, or his children mangled, or his forehead burned with hot irons, or his eyes pulled out. Simple recantation was then held to be insufficient, and, to save his life, the sufferer was required to inform on some fellow Christian. This method is said to have been most effectual of all ; thousands recanted and informed, and went to offer up their adoration to the gods of their ancestors. Christianity and its symbols gradually disappeared ; and, although for some years a few miserable victims were now and then discovered, the whole Japanese population at length repaired to the

pagodas, and signed an attestation of their orthodoxy with their blood. Christianity was extinct; and *Budha* and the *Kami* remained triumphant throughout the whole empire of Japan.

With respect to the renegades from Christianity, Government kept a correct list of them and their dwellings, and they incessantly watched their movements; and it was confidently believed by the most intelligent of the Japanese that one day or another it would cut them all off at a moment's warning, and thus remove every trace of heresy from the empire. Perhaps our readers would be gratified by learning how much knowledge the people of Japan had acquired of Christianity when they consented to suffer so much for its sake. We dare say they suppose the Catholic priests had laboured to enlighten their minds, and at the same time to improve their morals, and enlarge their sympathies. Previous to the coming of the Europeans, these Japanese barbarians, it is imagined, could have had no books, no arts, no civilization. Together with their religious dogmas the Portuguese would therefore have introduced learning and refinement into those remote isles, and have proved to be at once the religious and political saviours of that vast country. These views of the matter, however, are quite erroneous; for it is very questionable whether the Catholic missionaries were so well informed as the people they attempted to convert; and as to the knowledge of Christianity they communicated to their catechumens, it amounted, says the Dutch narrator, merely to these few points:—that there is but one God, and one religion; and that the professors of all other creeds are to be eternally damned. Hell they painted in horrors inexpressible: heaven with equal joys. This was all they taught; and these were the doctrines for which many thousands of Japanese suffered martyrdom.—Yet, the historian says, the people of that country possess large libraries and are addicted to reading; but as there are in every country great numbers who must always remain comparatively ignorant, the missionaries found converts, with whom they shared the honour of martyrdom.

Such is the relation left us of this tremendous affair by Reyer Gisbertsz, and Caron, the writer of Hagenaar's voyage; both whose accounts are to be found in the collection of voyages which led to the establishment of the Dutch East India Company;\* which in fact is the most valuable and curious collection of voyages we have ever seen, and deserves, if any thing of the kind ever did, to be translated and published now. To be sure it is somewhat voluminous, and ought not to be abridged; but works a hundred times inferior are constantly published and sold with success in the present day.

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\* 'Recueil des Voyages qui ont servi à l'Etablissement et aux Progrès de la Campagne des Indes Orientales, formée dans les Provinces Unies des Pays-bas;' Amsterdam, 1706.

## REFLECTIONS AT THE GRAVE OF A FRIEND.

'Tis night !—No longer fashion'd to beguile,  
 My alter'd features wear the lying smile,  
 The smile assumed on purpose to deceive  
 The friends whose kindness would my woes relieve.  
 While o'er my head portentous meteors play,  
 Now, dark Despondency, resume thy sway,  
 On this wild heart thy deadly stamp impress,  
 And lord it o'er my bosom's wilderness.  
 There nought remains to cheer the leafless gloom ;  
 There Pleasure's tender flowers no longer bloom ;  
 They died beneath Affliction's withering blast—  
 And Hope, who linger'd long, retires at last ;  
 She loves the face of Sorrow to survey  
 Brightening before her joy-inspiring ray,  
 But shrinks, to see her torch's powerless glare  
 Gleam on the livid features of Despair.

And thou ! above whose lowly grave I bend,  
 To mourn the Man, the Poet, and the *Friend* !  
 Still must my mind revert to happier days,  
 Ere Friendship's moon had shown her waning phase—  
 Ere cold Suspicion chill'd Affection's smile ;  
 When friendly converse could our cares beguile ;  
 When pleased I mark'd thy fancy's vigorous play,  
 By genius kindled, pour the classic lay,  
 Where learning, taste, and feeling's warmest glow  
 Were blent together in commingling flow—  
 Thou, too, art gone !—Regret in vain may pour  
 Her wailings o'er thy tomb—thou art no more !  
 Quench'd is thine ardent spirit, cold and low,  
 Within the narrow house thou slumberest now.  
 But rest is there—Aye ! rest at last is thine ;  
 Would that such undisturb'd repose were mine ;  
 No hopeless passion's keenly-venom'd dart,  
 Scars thy lone slumbers with convulsive start ;  
 No ghastly images thy fancy fill,  
 Thy sleep is visionless—thy heart is still.

Oh ! there are visions which, if life they spare,  
 Evince how much *his* grief-sear'd heart can bear,  
 Who, drop by drop, has drain'd the cup of woe,  
 And yet survives more bitter pangs to know.

Dark are the scenes that o'er my memory roll,  
 And deep the gloom that settles on my soul—  
 And, oh ! that thought, which thrills each quiv'ring vein,  
 And shoots like phrenzy through the burning brain :  
 Which sends the arrested blood with sudden start  
 In cold revulsion to the shuddering heart :  
 Which from the breast rends the reluctant groan,  
 And shakes the mind with horrors all its own,  
 Till reason reels upon her tottering throne.  
 Before the breeze that ushers in the day,  
 The clouds of morning slowly float away,  
 But not with day disperse the thoughts that roll  
 O'er my sunk spirits and depress my soul :  
 I mark the bright'ning of the eastern sky  
 With sadden'd heart, pale cheek, and joyless eye.

Not always thus I rose with dawning light  
 To curse the cheerless day, the sleepless night ;  
 In earlier days, this heart could bound as free  
 As the light bark upon a summer sea ;  
 When Scotia's scenes I view'd with raptured eye,  
 Blithe as the lark that carol'd in the sky,—  
 Inhaled the breeze that swept her sparkling fountains,  
 Breathed the fresh fragrance of her heath-clad mountains,—  
 Or stretch'd at noon-tide in the beechen grove,  
 Sung Nature's charms, or tuned the lay of Love.  
 If aught of grief I knew, it pass'd away  
 Like the swift shadows of an April day,  
 Short-lived and light, it never knew a morrow ;  
 Soon Hope's bright sun dispell'd the clouds of Sorrow.  
 Not then my Muse, with melancholy wail,  
 Swell'd the dull moaning of the midnight gale,  
 Her notes of joy she flung upon the breeze,  
 And charm'd the lonely hour with other strains than these ;  
 Bright was her glance of rapture then, but now  
 The gloom of sadness deepens o'er her brow.  
 In vain her touch would wake the joyous lyre,  
 To plaintive murmurs sink the notes of fire ;  
 The deepest tones that thrill from chords of woe  
 Suit this dark breast, where hope hath ceased to glow,  
 Whence joy hath fled, where fancy's transient ray  
 But gilds the gloom that hastens my decay.

W.

Muttra.

## STATE OF THE CAPE OF GOOD HOPE IN 1825.

BY A COLONIST.

No. I.

*To the Editor of the Oriental Herald.*

SIR,

Cape of Good Hope, May 15, 1826.

OBSERVING that considerable notice has been taken by your able Journal of the affairs of this long-neglected colony, I am induced to send you the annexed papers; in the hope of exciting, through your pages, that serious attention in England to our condition, without which we can scarcely expect to obtain any adequate remedy for our grievances. The exposure which I am about to lay before you of the practical system of Government at the Cape requires minute details and illustrations, which may perhaps occupy more space than you can conveniently spare; but I am convinced you will not hesitate to make some sacrifice of convenience for the sake of the important objects such an exposure may contribute to attain, not alone for South Africa, but for other remote and ill-regulated dependencies of the empire.

To enable your readers to judge of the opportunities possessed by the writer for acquiring correct information,—and to bring at once under their view the nature of the topics intended more particularly to be discussed,—I may here notice that I have been for upwards of ten years a constant resident in the Cape colony;—that much of my time has been spent in the interior, and especially in the Eastern districts, both before and since the arrival of the British Emigrants in 1820; that, being long settled here as a colonist myself, I have both seen distinctly and felt severely the sinister operation of the established system of misgovernment; and that the character and condition of the English settlers—of the Dutch-African Boors—and of the enthralled Hottentots, have fallen equally under my close and constant inspection. My information, thus acquired, I propose to throw into a series of articles in the following order:

1st. A brief sketch of the system of Cape Government, illustrated more particularly in its practical operation, by a detailed view of the actual administration of some of the interior districts, where it is least under the control of public opinion.

2d. Remarks on the Courts of Circuit, and their utter inefficiency as a check upon the oppression, corruption, and multifarious abuses of the provincial functionaries.

3d. Character and condition of Dutch-African colonists,—of the Hottentots and slaves,—and of the English settlers.



4th. State of the Country Towns,—of the Missionary Institutions,—and of general Education.

5th. Remarks on the Commercial Resources of the Eastern districts.

The above topics, though they by no means embrace a complete survey of the system of administration in all its branches, will yet enable me, I conceive, to give the reader a pretty clear idea of the way in which it *works*, and of its blighting influence on the prosperity of the community. The title I have adopted, though perhaps somewhat too comprehensive for the ground I mean to occupy, may yet be considered sufficiently appropriate, inasmuch as this plain statement of facts has been in some degree called forth by the necessity of counteracting many most erroneous views and fallacious representations, lately laid before the English public in a work entitled ‘*State of the Cape of Good Hope in 1822, by a Civil Servant of the Colony.*’ This work is well written; and the author, (who holds a high situation in the colony, and is well known to have recently been one of Lord Charles Somerset’s confidential advisers,) from the ready access he had to official documents, has been enabled to bring forward much important and valuable matter. Being, moreover, a very intelligent man, and naturally of liberal sentiments, his work is not devoid of many judicious remarks, and affords occasionally some startling glimpses of the despotic *constitution* of the Government. But, notwithstanding its pretensions to liberality and candour, (or rather the more on that account,) the work of the ‘*Civil Servant*’ is calculated completely to mislead the public in regard to the actual condition of the colony, as well as the character of the administration. Of the management of the country districts the author probably knew but little, having never visited the interior in person; and on that subject he may have been led astray by the fallacious representations of individuals interested in cloaking all the enormous abuses of the districts. But even this apology cannot be admitted for misrepresentations not less objectionable, upon subjects where his own observations and experience must have been ample and intimate. The points on which I am prepared to impugn this ‘*Civil Servant’s*’ evidence will be reverted to when the topics which bring me into collision with him come under review.

It may be proper further to premise of the following strictures, that they were drawn up in the early part of 1825, and afford a true picture of the state of the interior districts up to that period. Since that time the investigations of the Commissioners of Inquiry have begun to operate in checking some of the most glaring abuses, and in deterring the higher functionaries from such gross acts of oppression as were previously common. A Council and a Lieutenant-Governor have, moreover, been appointed from home. The former, indeed, as at present constituted, is little more than a mere

shadow ; but the appointment of a lieutenant-governor is a measure of unquestionable utility, and the selection of the individual appears to have been regulated by a real, though rather tardy, anxiety on the part of ministers to promote the welfare of the colony.

The home Government, however, if they are indeed determined to apply at length an effectual remedy to the abuses that have corroded the very vitals of this settlement, must go systematically and thoroughly to work. They must not be content with mere emollients or with salving over a few of the sores that have become most rankling and offensive. The removal of a few incapable or intolerable functionaries,—the recal even of Lord Charles Somerset,—will go but a little way to cure our inveterate evils. The political constitution of this deeply-distemppered colony must (if I may so extend the metaphor) be thoroughly salivated, its regimen reversed, and its natural energies restored to free and healthy exercise, before the virus which has pervaded the entire system can be expelled.

That such will be the course pursued by the home Government, when *fully informed* of the real state of things, I will not allow myself to doubt. Nor can I readily admit a doubt that the respectable Commissioners of Inquiry deputed to investigate our grievances (and who have already been occupied nearly three years in this intricate and important task) will eventually transmit home such a Report as the nation has a right to expect from acute, impartial, and upright men. Nevertheless, my confident reliance upon the talents and principles of these gentlemen does not incline me to suppress the result of my own observations. Ten years' experience under the colonial system may not indeed qualify me to estimate correctly the merits of many important questions which must necessarily form part of their Report ; but such experience may, I humbly conceive, enable me to explain distinctly matters that have "come home to my own bosom and business," and in this way to corroborate, elucidate, or correct, the more hurried observations of men in other respects my superiors.

But be this as it may, I am desirous that my countrymen in England should clearly see how the colonists themselves *feel* under the Government which has been permitted to grind them into the dust ; and having here finally fixed my own lot and that of my children, I would not willingly have hereafter to reproach myself with having allowed the present favourable crisis to pass away, without lending my aid, however feeble, to render manifest the urgent necessity for an immediate and effectual reformation of the Cape Government.

A. COLONIST.

## SYSTEM OF GOVERNMENT.

The Cape of Good Hope, under its present system of Government, may be more aptly compared to a great military encampment than regarded as a country governed by civil law. The legislative and executive powers are placed in the hands of one man, who delegates what portion of authority he pleases to the different officers under him. These again hold under their unqualified control the inferior functionaries, and the inhabitants in general. The Governor may be considered as a General invested with full power, and responsible only to those who appointed him. The *Landdrosts* are the officers of divisions, who owe their promotion to the favour of their chief, and hold their authority at his pleasure. The *Heemraden*, *Veld-Commandants* and *Veld-Cornets*, are the subalterns, recommended to their appointments through the favour of their landdrost, and summarily superseded or cashiered if they venture to oppose *his* will. The people are the common soldiers; and one word of murmur against any act of any one *in office* is direct mutiny in them.

Stability in office depends altogether upon influence with those *above*—in no degree upon the affection or respect of those *below*. The Governor, so long as his interest with the home administration remains unshaken, may defy with impunity the murmurs of the people, or even the hostility of the most formidable of the dependent functionaries. His *own* account of the condition of the colony, and the conduct of his Government, is alone attended to. Any one daring to accuse him is speedily crushed or got rid of. He is not merely the *representative* of majesty, but he claims powers and privileges which the King of England never dreamt of pretending to. Any difference from him in opinion he considers *disloyalty*; any question of the extent of his power is *sedition*; any opposition to its unlimited exercise is *rebellion*.

The pretensions of a Cape Governor may even be carried farther than this. The following is a curious and recent instance: Soon after the arrival of the Commissioners of Inquiry, Mr. Heatlie, an English farmer, near Cape Town, went to their office to complain of the treatment he had received from Lord C. Somerset in certain transactions that he had had with his Excellency about the purchase of horses, covering of mares, &c. &c. After his interview with the Commissioners, Heatlie, in premature exultation, swore, in the hearing of Captain Hare, his Excellency's Aide-de-Camp, that, unless a stallion he had recently purchased from Lord Charles, and which had proved to be an inveterate *crib-biter*, was instantly taken back, he would return to his Majesty's Commissioners and—"blacken his jockey-boots for him." The horse was speedily sent for; but the rash utterer of such a speech was loudly threatened with a criminal prosecution. Some of his Lordship's minions (such as the

horse-jobbers Proctor and Poggenpoel) galloped round the country to get up evidence against Heatlie; and warned his friends that they would be considered as personal enemies of the Governor if they did not instantly break off all intercourse with a person so obnoxious. But all exertions proving ineffectual to muster up matter for a legal prosecution, his Excellency came forward himself and accused Heatlie to the Commissioners of Inquiry of insolence and disrespect to him—*his Majesty's Representative*. The Commissioners condescended to examine evidence on the subject, and called Heatlie before them to answer for his misdemeanors; when, to his astonishment, he found the “head and front of his offending” (at least all that could be proved against him, after the most diligent research) amounted to this: *That he had twice rode past Lord Charles Somerset on the race-course at Stellenbosch without lifting his hat to him!* Heatlie pleaded “guilty” to this heinous charge; but, instead of expressing contrition, vowed, even in the presence of his Majesty's Commissioners, that, after what had passed between his Lordship and him, he would never again lift his hat to Lord Charles Somerset, *as a private individual*, so long as he had one to cover his head!—And so ended the affair; but had the Commissioners not been on the spot, can any one who has lived in the colony believe it would have so ended?

The supposed checks placed upon the despotic power of the Governor are mere blinds. Where his direct authority fails, his influence is omnipotent. Can a bench of justice be for a moment supposed independent, every member of which is removable at his pleasure, and all of whom enjoy or aspire to his continued patronage, in additional appointments to themselves or their families? But should the Governor even refrain from influencing their decisions, he can at any time reverse them at will in the Court of Appeals, where he is himself the sole judge.

The two following cases may be given as illustrations of the character of the Court of Justice at the Cape, and of the degree of impartiality to be expected from it, on occasions where the Governor is personally concerned.

#### *Case of Buissinné.*

The first is that of Mr. Buissinné, late Receiver of Land Revenue, and at the same time one of the members of the Court of Justice. This gentleman, after a series of pecuniary embarrassments, arising from extravagant speculations, &c., had yielded to the temptation (to which his office of Receiver unhappily exposed him) of making use of a portion of the public money under his trust; and on examination of the books of his office, a deficiency of 45,000 rix-dollars (3,375*l.* sterling) was discovered.

Mr. Buissinné, on entering upon his office, had given the usual security to Government of 20,000 rix-dollars. When the examina-

tion of his books took place, he admitted the default ; he threw himself on the Governor's mercy ; and offered to surrender the whole of his estate, which, he said, he expected, would, together with the security, cover the full amount of the deficiency,—praying, at the same time, that, on so doing, he might be allowed to resign. To this the Governor assented. Mr. Buissinné surrendered his estate to the Sequestrator ; *and his resignation was accepted.* Consequently, from that moment the case between him and the Government had closed. The property was sold ; and, as Mr. Buissinné had anticipated, the proceeds, together with the security given, fully covered the deficiency in his accounts. 392

Buissinné, having thus surrendered all he possessed in the world, had no other dependence for the support of himself and family than what he derived from a private arrangement between himself and the Superintendent of the Government Press, for whom he translated the advertisements inserted in the 'Gazette,' and divided the profits of those transactions with him. No sooner, however, had Lord C. Somerset become acquainted with this arrangement than he made, for the first time, a Government appointment of it, and thus deprived the wretched man of his only means of support. Buissinné, feeling keenly the injustice and cruelty of this proceeding, and driven to despair, wrote a letter to a friend, in which he imprudently gave full scope to his resentment, and was not sparing of severe remarks on Lord Charles Somerset's own conduct. This soon spread, and kindled his Lordship's wrath against him to such a degree, that (notwithstanding its being Sabbath) the President and Members of the Court of Justice were summoned out of church, in order to meet at the President's house (Sir J. Truter's) for the purpose of taking forthwith this weighty matter into consideration. But whether they could not make it out to be sufficiently grave to warrant summary proceedings, or from whatever cause, they re-agitated the subject of Buissinné's default, and issued a decree of apprehension against him ; in consequence of which, he was lodged in the common gaol, and his Majesty's Fiscal was directed to prosecute him. An indictment was forthwith made out charging him with *defrauding the revenue*, and with writing a *libel* against the Governor.

The first part of this indictment was no longer matter for prosecution. He had defaulted in his payments, but had not *defrauded* the revenue. His books were correct and in order. The official prosecutor admitted that there was no fraud ; and this admission was entered on the proceedings. But even if fraud had existed, the deficiency having been made good, the claim of the public was satisfied ; and the offence might be considered as partly atoned for by the loss of his appointments, and as finally cancelled by his compromise with the Government.

The latter point (libel) was abandoned by his Lordship himself,

—ostensibly in consideration of Buissinné's writing a letter of submission to him, but in reality because it was thought more expedient that the contents of the *libellous* letter alluded to should not be publicly read in Court. That letter was therefore *destroyed*, and consequently it is not even known whether the contents were in the eye of the law libellous or not.

Thus, in fact, there was no legitimate ground whatever for the prosecution of Buissinné upon the charges set forth in the indictment,—no legitimate ground for his imprisonment, and he ought in justice to have been discharged. But the worshipful Court of Justice directed its “Commissioners of First Instance” to proceed to try the prisoner. He was accordingly put to the bar, tried, found guilty, and sentenced to three years' banishment from the colony, and to remain in prison until the time of his departure. From this sentence, the defendant appealed to the full Court. What followed this appeal it will scarcely be believed could have been the act of any Court calling itself a Court of Justice. By deciding on this appeal, the Court had only either to confirm the sentence appealed from, to mitigate, or to reverse it. But instead of this, actuated by what spirit it is difficult to define, the Court started an entirely new accusation, (the result of their *private* deliberations, and disclosed it to the public, and to the prisoner himself, only at the reading of the sentence,) wherein was introduced a crime not included in the indictment—for which the prisoner had consequently not been tried—of which he had not even been suspected—and which was in itself utterly false. This imputed crime, however, was of no less magnitude than that of *perjury*!—and upon this groundless and base fiction of the Court (calling itself of Justice) they aggravated the original sentence in the following manner, as pronounced in Court, and promulgated in the Cape Government Gazette of Nov. 29, 1823, headed thus:

“The case of P. S. Buissinné, Esq., *appellant* to the full Court from a sentence given against him by two Commissioners of the Court of Justice on the 7th instant.

“The Court declares the prisoner guilty of embezzling the public money, *aggravated by perjury*, and *consequently* unworthy of holding any office under his Majesty's Government: condemns the prisoner to be banished from this colony and the territories and dependencies thereof for *seven* successive years, on pain of severer punishment, should he return within the same during that period: declares that his banishment shall only take effect after the prisoner's estate shall have been liquidated by the Sequestrator, and after the prisoner shall have rendered proper account of his administration as Receiver of Land Revenue, and shall have liquidated with his Majesty's Government, or shall have been relieved from so doing by Government: directs that the prisoner shall remain in confinement until he shall have complied herewith, and thereupon

be confined on *Robben Island*, or some other secure place, until a fit opportunity occurs for his removal; the day of the prisoner's embarkation to be considered as the day of the prisoner's banishment; with condemnation of the prisoner in the costs."

The place of confinement here pointed out, Robben Island, is that where all the convicts are kept. The charge of perjury originated in what can hardly be considered otherwise than a wilful misconstruction of the following oath, quarterly taken by the Receiver of Land Revenue: he swears—"I hereby make oath, that the above is a just, true, and full account of the receipts in this department, to the best of my knowledge and belief."—Now, all the books were perfectly correct, the money had been received as therein stated, but misapplied to the amount above-mentioned; this latter, therefore, *alone* constituted the offence, and there was, therefore, no particle of justifiable ground for this heavy charge, much less can the inflicting a punishment on account of it be justified, without trying its validity, and putting the accused upon his defence. What then shall be said of so scandalous a sentence? What shall be said of the conduct of Lord Charles Somerset, in *confirming it*? Mr. Buissinné noted a further appeal, but on account of some delay beyond the exact term prescribed, of which the Court of Appeals took advantage, the appeal was refused; and Lord Charles Somerset, who, as *sole judge* in the said Court, might have waived the objection, did, on the contrary, confirm the unwarrantable sentence of the Court of Justice, although he declared at the same time, in writing, when signing his *fiat*, that the charge of perjury (*which is the ground of the aggravated sentence*) could not be maintained, "because of this there is no record:" thus confirming the punishment, whilst he denied the ground on which it was awarded; and Mr. Buissinné remains to this day suffering under its consequences.

#### *Case of Edwards.*

The second case is that of William Edwards. This person was a stranger in the colony of the Cape, having arrived here from the Isle of France some time in 1823. After a short residence in the colony, he was authorized by the local government to act as notary public, which thereby assigned him *a public character and station in the colony*. In that capacity, he soon made himself conspicuous, and was extremely troublesome to several individuals, and particularly in those instances in which he could find an opportunity of addressing a public functionary. It seemed then to be his particular study how he could be most grossly insulting. In consequence of his extraordinary and generally offensive conduct, different conjectures as to his origin and former course of life were set afloat, according to the different feelings he had excited, none of them very flattering to him, but still all equally vague and unsupported by proof. But with Edwards's character, origin, or former course of life, we

have nothing to do on the present occasion. Let these be what they may, he was entitled, in common with every other British subject, to impartial justice, and to a fair and honest administration of the laws, whether he claimed their protection, or was considered to have rendered himself amenable to them.

Sometime in May 1824, two letters, addressed to Lord Charles Somerset, were delivered at the Government House by some person unknown. These letters were said to have been signed in the manner the notary Edwards usually signed his name, and the writing to resemble his; and therefore it was supposed that no one but himself could have been the author of them. The contents of these letters moreover were construed to be libellous; and, upon this *supposition* and this *construction*, Edwards was apprehended, put into gaol as a criminal, without any one being allowed to have access to him, or himself being permitted the use of pen, ink, or paper. In that state he remained for some time, when the "Act of Crime" or Indictment was, according to custom, read to him, by which he was charged with being the author of the said libel. This charge he peremptorily denied. After a convenient time he was put to the bar, to be tried upon the indictment. The trial lasted several days, during which Edwards indulged himself in venting his feelings against Lord Charles Somerset, of whose public and private character he drew a most hideous picture; and it certainly evinces the imbecility of the Court that it permitted such irrelevant matter to be spoken in its hearing, which nevertheless took up several hours in delivering. No attempt was made to prove the contents of the aforesaid letters to have been libellous; which made Edwards say, in his defence, that there was no *corpus delicti*. Nothing like proof was adduced to bring the writing, signing, or the delivering of the said letters home to Edwards; and not only was nothing of the sort proved against the prisoner, but the Court absolutely refused to examine any witnesses at all, either for the prosecution or on behalf of the prisoner; yet without hesitation they nevertheless found him guilty! The reason of their refusal to examine witnesses is obvious. Had they admitted witnesses on the one side, they must have done so on the other; and Edwards might then have introduced, and probably substantiated, *some parts of his speech* before alluded to. It was, therefore, much the easiest and safest way to pronounce him guilty, without going through the forms of proving him to be so, or running the risk of his establishing his innocence. Indeed, at the trial, (but too late, according to the forms of the court,) Edwards's advocate asked leave to examine a witness, who should prove *who* the writer of the said letters was, and that he was not then in the colony, and consequently, that the prisoner at the bar was not the writer, as he stood charged to be. The admission of this witness was refused, although it was proposed, had he been admitted, to have



established, by his examination, the innocence of the prisoner. But the Court had made up their minds, and without further demur they returned a verdict of *guilty*. Not that the prisoner had been really proved so, or that a particle of the charges had been brought home to him, as already observed; but they founded their verdict upon some expression which he used in the warmth of argument, while speaking *hypothetically*, which the Court not distinguishing, or not comprehending, they considered to be a *confession* or *admission* of the crime alleged against him, notwithstanding that his formal denial was in writing before them; and having come to that conclusion, there remained only to pass the sentence. This they did with equal facility and severity; they sentenced him to *seven years' transportation to Botany Bay*—a punishment quite unknown to the Dutch laws, and which, therefore, ought not to have been tacked to the code, to be arbitrarily inflicted on a British subject; who, had he been tried in England for the same offence, and there *proved guilty*, could not have been subjected to such punishment: imprisonment and fine would have been the utmost which the law would have awarded. It is unheard of under any government but that of an arbitrary despot, that a man for a mere libel, were he even proved guilty of it, should be declared a felon, thrown into irons for a number of years, be carried beyond the seas, and rendered infamous for the remainder of his life. Who will not join in the wish that this sentence, so iniquitously awarded, could be transferred from the unfortunate prisoner to the judges who have awarded it!

This sentence having been confirmed by Lord Charles Somerset, the prisoner flattered himself for a considerable time that it would not be carried into execution. The *Minerva* transport, however, having touched at the Cape in her way to New South Wales, the prisoner was ordered to be taken on board. All the horrors of his situation then broke upon his mind, and in a fit of despair he attempted to commit suicide by cutting his throat. In this attempt he was not completely successful, and the wound was sewed up and dressed. A strait waistcoat was put on the wretched man, and in that state he was carried on board the transport and sent away.

It has been since ascertained that this Edwards was a convict who had escaped from Botany Bay. This proof of what was previously suspected by all good men in the colony—that he was a worthless and unprincipled vagabond,—may probably destroy all public sympathy for the individual victim; but ought this consideration in any degree to mitigate our abhorrence of the iniquity of his sentence? The Government had itself given him a *status* of respectability in the colony by appointing him (on whatever grounds) a notary public. Of his former life or character nothing whatever was known at the Cape at the time of his condemnation, and, even

if known, ought not to have influenced a Court before whom he merely appeared as a person accused of libelling the Governor.

The sentiments of impartial men at the Cape, on this occasion, may be appreciated from the following letter, addressed, at the time, to the Editor of the Cape Government Gazette, by a gentleman of very great respectability in the East India Company's civil service, but which was refused insertion, notwithstanding that the writer communicated his own name.

*To the Editor of the Cape Town Gazette.*

SIR,—‘The Cape Town Gazette’ being now the only medium through which any discussion of public measures can take place, I am induced to trouble you with a few observations on the trial for libel which has recently terminated in the Court of Justice, the result of which has caused such unfeigned surprise and indignation throughout this town.

Pending the trial, I should have thought it highly indecorous and prejudicial to the ends of justice to have made any comments on the case; but now that the proceedings are closed, no well founded objection can exist to a candid examination into the nature of the evidence on which the Court may be supposed to have come to a conclusion. There is no intention whatever of going into the merits of the case. I purposely, in the present instance, confine myself to remarks on matters of evidence, upon the proper regulation of which the impartial administration of justice as much depends as upon the legal knowledge and personal purity of the judges themselves. The liberal policy which dictated the advertisement in your paper of the 22d of May last, inviting the establishment of an independent newspaper in Cape Town, encourages me to hope that you will the more readily afford a place in your columns to a communication that can have no other effect (and none other is intended) than to promote the pure administration of justice, and to satisfy the public mind on points that are vital to the personal safety of every individual in the colony.

With a very limited knowledge of the Law of England, and totally ignorant of the Dutch Legislative code, I take it for granted that the latter, no less than the former, requires full proof of guilt, oral or documentary, before an individual can be convicted of any crime that may be laid to his charge.

Now I will venture to assert it as the opinion of every lawyer and of every unprejudiced man who was present, that not a tittle of evidence was adduced on the part of the prosecutor, in the late trial, to show that any connection existed between the prisoner and the letters that are said to constitute the libel for which he was indicted. Whether he was, bona fide, the author of those letters or not, is not a question in which I take any interest; I only

care to know whether he has been legally convicted. This question, by its magnitude and importance, absorbs every other, and must occupy the thoughts of every man in whose breast the love of justice and the honour of his country are not extinct.

I have been told, but on what authority it is not for me to say, that the only evidence of his criminality of which the Court consider themselves in possession, are the prisoner's own pleadings in support of his "exceptions" which he urged before the Commissioners. Now the prisoner having in his interrogatories positively denied that he was the author of the letters in question, I shall not stop to question the legality or the humanity of the Court that would convict a man on casual expressions, used by him in the heat of argument, when they had on their table his recorded and deliberate denial of the charge, but shall proceed to show that even that imaginary proof—that shadow of a shade, has no existence whatever in point of fact.

To stop the trial in limine, the prisoner proposed four exceptions to the consideration of the Court. The second is the only one it is now intended to notice. It went to show that, even if he were the author of the letters in question, there was neither (in the language of the law) any *corpus delicti*, nor proof of criminality.

It is under this head of his argument that the prisoner is said to have made those admissions of his guilt which are supposed to supersede the necessity of all further proof; than which a greater mistake (to call it by no harsher term) never was committed by any set of men having the use of their reason.

To any one who heard the trial it was evident that the whole argument on the second exception was put *hypothetically*, that it was built upon the supposition of its being proved that the prisoner was the author or publisher of the libel. "*If*," said he, "I am the author of the letters, then I contend there is no criminality in them." This hypothesis was the very hinge on which his whole argument turned. Had he acknowledged himself to be the author, and proceeded to vindicate what he had done, then, whatever questions might have arisen as to the magnitude of his offence and the measure of punishment due to it, there could have been none as to the verdict; but to torture an argument purely hypothetical, a concession made merely and confessedly for the sake of argument, into an admission of guilt, is to convert shadows into realities, to confound the meaning of words, and to sap the very foundations of all reasoning and justice.

Whether it was regular and legal, or whether the prisoner was well advised in proposing exceptions to the competency of the Court, to enter so largely into what might be considered the body of his defence, are questions quite immaterial, and foreign to the consideration of what appears to me by far the most important

feature of the case. It is sufficient that the Court allowed him to adopt that course, and having permitted him in that stage of the proceeding to go into a justification of the crime imputed to him, who could have dreamt that his own argument would thus be turned against himself, when that very argument was conditional, and depended altogether upon a fact that remained to be proved, and which fact the prisoner, in his interrogatories, had solemnly denied?

It is also not unimportant to observe that as no copy or record of the prisoner's pleadings was preserved, the Commissioners, whose imperfect knowledge of the English language was manifested in every stage of the trial, must have come to a decision upon their supposed apprehension of what was said or admitted by the prisoner in the course of a long and rapid extemporaneous address, the greater part of which must have been unintelligible to the Court.

I purposely avoid touching upon other parts of this case that are open to much observation, or making any distinction between the proceedings of the first and second hearing, not willing to raise trifling objections or to discuss dubious points, and being mainly anxious to bring the most important feature of the case under consideration, and to place it in a clear and satisfactory point of view. If I have succeeded in doing this, and in showing that the supposed admissions of the prisoner rest altogether on a mistaken view of his argument, and consequently that there is a total absence of all evidence of his guilt, then I hope the result of this trial will lead to an early and effectual amendment of the judicial system of this colony.

As I am influenced by no personal feelings towards any of the parties concerned, and have no interested or factious purposes to serve, I shall not stop to apologize for interfering in a matter in which I may have only an indirect interest. It is that interest however which every British subject must have, who is jealous of the honour of his country, and able to appreciate the blessings of a just and impartial administration of the laws. It is not the cause nor the conduct of Mr. Edwards that I am advocating—I know nothing of him whatever—neither is it the cause of any individual or any party in which I am interested, but it is the great cause of law and justice, the very foundation and security of all our civil and religious rights, that induces me to take up the pen.

Instead of envying the feelings of those persons who can view with indifference measures the most unconstitutional or unjust, because they do not immediately affect themselves, or for fear of the consequences, I rather desire to imitate the example of an eminent philanthropist, the late Mr. Granville Sharp, who considered it a duty, and made it a point never to conceal his sentiments on any

subject of moment whenever there was a probability of answering any good purpose by avowing them. He was convinced that right was not only to be adopted, but to be maintained on all occasions without regard to consequences probable or possible, for these must after all be left to the disposal of Divine Providence, which has declared a blessing in favour of right. Fully concurring in these sentiments,

I remain, &c. &c.

Cape Town, June 10, 1824.

However criminal the former life of Edwards may have been, there was *at least one Judge* on the bench before which he was tried who had merited transportation at least as well as he. Mr. Bresler, who was one of the members of the Court that condemned this man, and who also sat on the trial of his former colleague, Buissinné, was discovered soon afterwards to have himself been guilty of *defrauding the revenue* to the amount of several thousand pounds. This fraud had taken place some years ago, when Bresler held the office of Receiver. It had (large as the sum was) escaped the notice of the auditor; and came to light at last only through the scrutiny of the Commissioners of Inquiry in examining the old accounts. The wretched man did not await a trial; but, as soon as he found that detection and infamy were inevitable, he went home and cut his throat!

It is a singular coincidence, that Bresler was the Commissioner of the Court for the trial of Buissinné. What must his feelings have been when sitting on the judgment-seat! What *may* have been the feelings of others similarly circumstanced!

It is a fact not less singular and striking, that there now exists, in the hand-writing of the unfortunate Bresler, a paper sent to England by him after the second capture of the Colony, disclosing the names of all those who were concerned in the robbery of the public treasury in the night of the 6th January 1806, and stating the precise share of plunder which each individual obtained on that occasion; and that in this remarkable document are to be found the names of *some others* who also occupied seats upon the immaculate bench that condemned Buissinné, Edwards, and Carnall.

Such is a slight specimen of the impartiality and purity of the worshipful Court of Justice, which holds at its disposal (or at the disposal of the fearful power that may move all its pegs at pleasure) the property, characters, and lives of his Majesty's subjects at the Cape of Good Hope.

The office of Colonial Secretary is a high and honourable appointment from home; but the Colonial Secretary is only the hand, which must not question what the head dictates. He possesses no power even of *protesting* against the most culpable actions of the Governor. If he ventures to quarrel with him, he is ruined. The

late Secretary, Colonel Bird, so long as he retained the good graces of Lord Charles Somerset, was favoured and smiled upon, and promoted by the home Government. The moment he lost the graces of the Governor, and ventured to remonstrate against some of his measures, all the merit of his long and active services was cancelled; and, though unimpeached in his public character, he was dismissed at once from his office by Lord Bathurst, and without a reason assigned, merely because Lord Charles Somerset required it.

Every proclamation of the Governor is a *law* at the Cape; and whether it be an entirely new enactment or an abrogation of an old one, or however inconsistent it may be with colonial law and practice, or with former proclamations still in force, it must be obeyed if the Governor wills. Nay, proclamations directly at variance with each other, may be equally in force, and either side may be acted upon according as the authorities find expedient; and the people are bound to know and obey those decrees, though they may be at the same time denied access to peruse them at the public offices where alone they are to be found upon record.\*

In fine, it may be affirmed without the slightest exaggeration, that the Governor of the Cape of Good Hope possesses a *practical authority*, under the British dominion, infinitely more despotic and uncontrolled than any absolute sovereign in Europe, and, excepting in the use of the bowstring and scimitar, more resembling the despotism of a Turkish Pasha than any other sort of Government with which we can readily compare it. At Cape Town, where there are always to be found some independent men among the mass of civil functionaries, military officers, Indian residents, and British merchants, and where public opinion has consequently never entirely lost its influence, the exercise of *direct* oppression, the bold arm of *naked* despotism, have been less frequently displayed. It is in the provinces that the *system* is openly exemplified in all its deformity; and to the remote provinces I shall therefore conduct the reader in my next article.

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TO A LADY, ON HEARING HER SING.

OH! breathe again that strain divine,  
Sweet seraph-daughter of the Nine;  
For, lo! Pieria's Muses throng  
To hear from earth so sweet a song.

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\* Examples of this fact will be given hereafter.

*To a Lady, on hearing her Sing.*

When to the skies thy notes ascend,  
Angels, amazed, their harps suspend,  
And wonder that an earthly tone  
Can breathe still sweeter than their own ;

While every rivall'd note is hush'd,  
And every burning finger flush'd,  
And every trembling chord unstrung,  
Touch'd by the magic of thy tongue.

The feather'd choir, that fill the grove  
With warbling notes of joy and love,  
Feel, as around thy strain they throng,  
Despair and envy at thy song.

And when in home's dear hallow'd bowers  
The bird of night awakes her powers,  
To pour beneath the Moon-beam pale  
The plaint of Love's despairing tale ;

If thou, perchance, indulge the dream,  
Of all that hangs on Cynthia's beam,  
And to her orb thy vespers raise,  
In some sad song of happier days,

Sweet Philomela's warbling throat,  
Striving to catch thy sweeter note,  
Will swell her plaintive lay again,  
And charm the night in richer strain.

The distant orbs of mystic song,  
That move in circling dance along,  
Will each o'erflow his radiant urn,  
And Heaven with brighter fires will burn ;

While every silver-dropping star,  
That beams a sun to worlds afar,  
Through the wide burning galaxy,  
Will hail the reign of harmony.

Vain, then, the Poet's boast of old,  
Though classic bards the tale have told,  
How Orpheus and Terpander's lay  
Could charm the rage of beasts away :

A dearer passion thou canst move,  
And win the firmest heart to love ;  
And teach the coldest breast to feel,  
And stay the universal wheel.

## MR. SHELLEY AND THE 'QUARTERLY REVIEW.'

To change our opinion, is merely to be wiser to-day than we were yesterday: at least, we hope so. But even if it be not, time *will* effect changes in our sentiments, and in some measure compel us, in spite of ourselves, to feel the influence of the intellectual revolutions going on in the world around us. Even they who set out with offering fruitless opposition to the progress of truth, and are least scrupulous in the weapons they use, begin in a short time to fluctuate in their purpose, and, striking into the common path, proceed with the crowd. Nothing can be more vain than to attempt to make the world retrograde; it is trying to turn back the stream of time, which, in flowing onward, will always throw up strange novelties on its surface. The party of which the 'Quarterly Review' is the organ, has long contended in vain with those swarms of daring opinions, partly false and partly true, which, like ominous birds, precede invariably all great changes in the affairs of this world. They reflect not, it seems, that though they should succeed in scaring away the signs, still the events would not follow the less inevitably; as shooting the sea-mews, that appear flocking towards the shore before a tempest, would not keep the whirlwind and the thunder-cloud at sea. Ordinary men think what the times suggest, and no more. They cannot by any means raise their minds to pure truth, or sufficiently abstract themselves from the contagious influence of prevailing notions, to observe the tendencies of public opinion, and discover in what channels it is likely to move next. The 'Quarterly Review' has always been in the hands of ordinary men, ecclesiastic or secular; and these, not having the wit to discern the *real* progress of opinion, have always been beating about the bush, and losing their labour. When they first began their career, it was their object to dam up the torrent of infidelity which they saw overflowing the country; against the few who openly threw down the gauntlet, they set their redoubtable lance in the rest, and tilted most furiously; but having been baffled, overthrown, and trampled upon; convicted of false and dishonourable practices; fined, scouted, and contemned by the public, they have now grown more tame and tractable, and will suffer very fearful notions to walk unmolested, if they forbear insulting them in their *sanctum sanctorum*. The truth is, they have walked among the wicked until they have learned their ways; for an experienced eye may now frequently discern the taint of incredulity even in their most guarded speculations, and, in their unwonted tolerance, an approach towards that scepticism against which they originally thundered like so many Salomoneuses.

The history of their criticism of Shelley, which may be given in



very few words, will in some measure illustrate our position. Shelley's notions, it should be remembered, both in philosophy and poetry, continued the same to the last; that is, his philosophy, according to our opinion, was always false and puerile, his original poetry frequently unintelligible, gorgeous, and cold. The tone of his critics, however, was very different. In 1819, when reviewing the 'Laon and Cythna,' and the 'Revolt of Islam,' (a rifacimento of the same wild story,) both published the year previous, the Quarterly Reviewers confined themselves a good deal to the refutation or exposure of Mr. Shelley's opinions. In doing this, they by no means discovered so much malevolent fury as the 'Prometheus Unbound' afterwards called forth; but still their tone of criticism was somewhat harsh. They informed the world that Mr. Shelley was one of a sect that had declared eternal war with "Easter Offerings" and "Tithe-pigs," or, in other words, with the established Church; and that "of all his brethren," (mark that, reader,) he carried "to the greatest length the doctrines of the sect." The Reviewers had heard, perhaps, that the poetical æstrum had hurried Milton into the daring absurdity of saying that Eve was the fairest of her own daughters, and Adam of all men born after him; and they thought it would be a graceful figure of speech, to make Mr. Shelley "the boldest of his brethren." In spite, however, of his vehement advocacy of blasphemy, &c., they allowed he was possessed of great powers of mind, and (adopting his own phraseology) "intended by Nature (the name he would have set up instead of God) for better things." We profess to know nothing whatever of the intentions of Nature; but we fear that, if he meant to serve religion by what he said, whoever wrote that criticism was intended for a cap and bells. What can be more absurd in an advocate of religion than the display of vehement terror and alarm at the appearance of every infidel publication? What more likely to give these publications currency? Men sympathize with energy, in whatever cause it may happen to be exerted; and, therefore, to deck out their antagonist with fearful powers, and invincible activity in effecting mischief, was the surest method they could have chosen to open for his opinions a way to general circulation. They said, but they did not believe, that Shelley's opinions carried with them their own antidote in their extravagance; for had this been their creed, how ridiculous were their laboured refutations of them! And how ill-founded the apprehension contained in the following passage:—"Though we should be sorry to see the 'Revolt of Islam' in our readers' hands, we are bound to say that it is not without beautiful passages; that the language is, in general, free from errors of taste; and the versification free and harmonious. In these respects it resembles the latter productions of Mr. Southey," (in some other respects it resembles Mr. Southey's earlier productions, as 'Joan of Arc,' &c.,) "though the tone is less subdued, and the copy altogether more luxuriant and ornate than the original." The

mention of Mr. Southey naturally suggests Wordsworth to the Reviewer's mind, and the thought of these being on his side gives him courage to denominate Mr. Shelley and "his brethren" a "miserable crew of atheists or pantheists." No doubt Shelley was an atheist, and spent his whole life in inculcating atheism; but we apprehend he had very few pupils, and there can now be little danger of the number being increased by the spread of his atheistical writings, which already slumber with the kindred dulness of Giordano Bruno and Vanini. If the latter labours of Southey and Wordsworth were meant as antidotes, they combated a poison which dissipated itself; they have proved the temporary antagonists of a temporary disease, and are now no longer needed nor cared for. We agree with the Reviewers that the 'Revolt of Islam' is, or rather *was*, eminently obscure and dull, having very little ribaldry, and no "personal scandal"; that the story of it was too absurd for laughter, the execution too contemptible for criticism. Why did they review it? For the few fine passages it contained? No. They took it up, because its utter absurdity gave them an opportunity of casting obloquy on the party in politics to which Mr. Shelley unfortunately attached himself. We say *unfortunately*, because his notions were calculated to bring odium on

The holiest cause that pen or sword  
Of mortal ever lost or gained—

the cause of Liberty.

Undoubtedly the 'Quarterly' exposed its own fears and incapacity in this critique, as well as its malice. For example, after citing a few middling stanzas, it goes on to say:—"These, with all their imperfections, are *beautiful stanzas*; they are, however, of rare occurrence." To be sure; wild and inconsistent and tasteless as Shelley was, he yet avoided the absurdity of reprinting the same lines in various parts of the same poem, which he must have done to make them of more frequent occurrence. The critic wanted to say that, though the stanzas he had just quoted were good, the poem contained very few besides deserving the same praise; for that, as a whole, it was "insupportably dull, and laboriously obscure." We perfectly agree with him; but then, how shall we reconcile this with what follows, vol. xxi., p. 466: "Mr. Shelley is neither a dull, nor, considering his disadvantages, a very ignorant man;" a conclusion at which the Reviewer arrived by perusing his dull book. From the same source, too, he learned to conceive that the pantheistical poet had tolerably good abilities: "We have already said what we think of his powers as a poet, and doubtless, with those powers, he might have risen to respectability in any honourable post which he had chosen to pursue, if to his talents he had added industry, subordination, and good principles." This was written in April 1819, vol. xxi., No. 42. Little more than two years afterwards, No. 51, October 1821, the 'Quarterly Review'

contained a notice of the 'Prometheus Unbound,' a poem decidedly superior, in most respects, to the 'Revolt of Islam.' But, by this time the critic had lost all hopes of converting the "pantheist" by moderate and dignified criticism, which, in comparison of what followed, the article on 'Laon and Cythna' might be said to be. Here, therefore, he begins by declaring the poem before him utterly unintelligible; and, not satisfied with making so dashing an assertion of that work in particular, steps into his generals, and says,—"In Mr. Shelley's poetry all is brilliance, vacuity, and confusion;"—"the predominating characteristic of Mr. Shelley's poetry is its frequent and total want of meaning." p. 169. Next page he observes—"If we should completely establish this charge," (viz. that Shelley's poetry was mere nonsense,) "we look upon the question of Mr. Shelley's poetical merits as at an end; (wonderful!) for he who has the trick of writing very showy verses, without ideas, or without coherent ideas, can contribute to the instruction of none," (what an amazing discovery!) "and can please only those who have learned to read without having ever learned to think." An ignorant reader of this class, he observes, "may possibly *have his fancy tickled* into a transient feeling of satisfaction." We confess the critic does convict Mr. Shelley of having written some extraordinary specimens of nonsense, but we can hardly allow that these specimens warranted the following: "In short, it is not too much to affirm, that in the whole volume there is not one original image of nature, one simple expression of human feeling, or one new association of the appearances of the moral with those of the material world." "Take away from him (Shelley) the unintelligible, the confused, the incoherent, the bombastic, the affected, the extravagant, the hideously gorgeous,—and 'Prometheus,' and the poems which accompany it, will sink at once into nothing." However, the critic is disposed to make this a merit in his subject—"It is a praiseworthy precaution in an author," says he, "to temper irreligion and sedition with nonsense, so that he may avail himself, if need be, of the plea of lunacy, before the tribunals of his country." Travelling onward in the "confusion and vacuity" of the 'Prometheus,' he again stumbles on a choice example of nonsense, and then stops to congratulate himself; he finds he has hit upon the very thing he was in search of, and exclaims—"Mr. Shelley's poetry is, in sober sadness, *drivelling* 'prose run mad':" "his poems are at war with reason, with taste, with virtue, in short, with all that dignifies man, or that man reveres."

Well!—other five years passed away, during which poor Shelley was gathered to his fathers, and his 'Remains' were published by his accomplished widow. The critic had now, June 1826, to review the *nonsense* of a dead writer, and

A change came o'er the spirit of his dream!

He remembered the Latin proverb—"Nil de mortuis nisi bonum,"

and betook himself to his task with an altered spirit, a pen no longer flowing with gall and bitterness, but dropping words of humanity and regret. With peculiar indulgence, he forbore to notice the posthumous pieces written in the old strain; and confined his remarks to Mr. Shelley's translations, indisputably the best things he ever executed, and perhaps the only ones deserving the attention of the public. From an inditer of blasphemous gibberish, equally devoid of taste and reason, Mr. Shelley now appeared to be a person possessing "a fine ear for harmony, a great command of poetical language—a fine liveliness both of feeling and imagination"—as a person, in short, who "wanted little to be a distinguished original poet" but distinctness of conception, and regulation of taste. As a translator, he is said to have had "every requisite for the attainment of excellence." . . . . . "His verse, at once chastened and inspired by the continued contemplation of consummate art, was capable, not only of reaching a classical gracefulness, but of reflecting vividly the strength of genius and the projection of its language." "*Our literature can show few translations from the Greek poets more elegant than his of the 'Hymn to Mercury,' and the 'Cyclops of Euripides;'*" nor, in spite of a few inaccuracies, could Goëthe himself desire to see the effect of the famous *Mayday-night* scene of his '*Faust*' transferred into any foreign language with more truth and vigour than Mr. Shelley's version exhibits. The reader is aware that Mephistopheles carries Faust to the great wizard festival, shortly after the consummation of Margaret's ruin. The opening of their adventures in this region of enchantment is *thus admirably given*"; and the passage of Mr. Shelley's translation is copied at considerable length. Introductory to another extract, the critic observes: "Nor is the following, in another style, less *exquisite*." And in the next page: "To show how well the man who could serve the Gothic muse in this way, could feel and transfer the polished graces of an Attic master, we shall transcribe part of the first chorus in Mr. Shelley's version of the *Cyclops*;" which passage, though we shall not now copy it, we consider quite as good as the Reviewer does. In conclusion, he has these words: "*One department of our literature* has, without doubt, sustained a heavy loss in the early death of this unfortunate and *misguided* gentleman." Does he mean the blasphemous department of our literature? And is it really a heavy loss to be delivered from a man whose poetry was nothing but "*drivelling prose run mad*"? Are we then at length come to this, that the "ravings of Atheism," &c., are to be designated by the terms "*dulcia vitia*" in the '*Quarterly Review*'? Doubtless to those who dwell in Albemarle Street, a light hath sprung up, and they begin to perceive, by the help of it, that heartless malevolent abuse will no longer pass for criticism. Perhaps the new conductors of the '*Quarterly*' have felt a touch of liberalism, and are inclined to wipe out, as far as they may, the remembrance of their predecessors' sins'—Twere a work of charity.

## LOVERS' RECOLLECTIONS.

HAST thou forgot the magic tie  
 That once endear'd thy soul to mine ?  
 Th' impassion'd gaze, the burning sigh,  
 That told thee all my soul was thine ?

Then turn the page of memory o'er,  
 And bid each past impression live ;  
 From Lethe's stagnant stream restore  
 Joys which were thine alone to give.

With me, loved maid, those hours recount,  
 When freely we together drew,  
 From purest Love's exhaustless fount,  
 Joys which before we never knew.

What though the Fates asunder tore  
 Two hearts, that, bursting with the pain,  
 Profusely bled at every pore,  
 And oozed a pang from every vein ;

Yet, dearest, as we 've met again,  
 Still ardent, faithful, fond, and true,  
 Let us the holy hour enchain,  
 And all our transports past renew.

Give me once more that pledge of love,  
 The kiss which seal'd our earliest vow ;  
 Which nothing earthly e'er could move,  
 Which heaven still sees unbroken now.

And, as thy rubies cling to mine,  
 I'll drink the sigh, that, half suppress'd,  
 Trembles upon that lip divine,  
 As softly stealing from thy breast.

Where, where are those encircling arms,  
 Which round my neck thou oft hast thrown,  
 And, sighing, swore that all thy charms  
 Were ever mine—and mine alone ?

Bid them again be fondly twined  
 Around a heart no change could sever—  
 A heart which even Death will find  
 Responsive to thine own for ever.

While that chaste bosom, which, in youth,  
 My pillow, thou wert wont to call,  
 Shall teach again the heavenly truth—  
 That mutual love is all in all.

LETTER OF A CIVIL SERVANT TO SIR CHARLES FORBES,  
BART., M. P.

IN concluding our review of this Work, to which we have already devoted two previous articles,\* we may be permitted to repeat a remark made at the close of one of them, in reference to the apparent disproportionately extended notice of a very small publication. The work itself professes indeed to be "a very hasty view of our Indian Administration;" but, hasty as it is, it touches on every branch of it;—on the 'Home Administration,' as it is called, including the Board of Control and the Court of Directors; on the Local Administration, as it affects the civil and military servants and the European residents; and on the rule exercised over the Natives of the country itself. It is true, that "a very hasty view" even of these important subjects may be included within the limits of a pamphlet; or, in a still more abbreviated form, it might be brought within the compass of a single sheet of paper. But whosoever would analyze this "very hasty view," for the purpose of pointing out its errors or defects, and drawing attention to the portions worthy of adoption and praise, must, if he would support his criticism by reasoning and illustration, go much more deeply into detail than the author himself has thought it necessary to do. It is easy enough, in the dogmatical style of modern reviewing, to give sweeping praise or censure to writings under examination, without condescending to give reasons for either. But, as we never venture to give publicity to any opinion without having in our minds what appears to us good and sufficient grounds for entertaining it, we are always anxious to give the reader the reasons which influence our own judgment, that he may see for himself how far these make the opinions, in support of which they are offered, worthy of his adoption. Oracles have always been remarkable for their brevity: and authorities that are superior to reasoning may issue their decrees in few words. But we prefer the masterly and beautiful addresses of the American Presidents to the speeches of the European Monarchs: and while treatises of many volumes are often written on a single text, and debates of days in succession maintained on some one proposition suggested in a single paragraph, we think that a pamphlet of fifty pages may contain sufficient materials, to one who is earnestly desirous of illustrating fairly the merits and demerits of its suggestions, for even a more extended review than that which it has received at our hands.

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\* See the 'Oriental Herald' for August and September, vol. x. pp. 223, and 351.

We pass from this introductory digression to resume our examination of the remaining portion of the work ; and continue as before to let the author be heard in his own language, rather than through our interpretation of his meaning. He commences the third section of his ' Letter to Sir Charles Forbes ' thus :

" Having thus taken a very hasty view of our Indian administration, as connected with Europe and Europeans, I will proceed as briefly to state the opinions which I entertain on the same subject, as applied to the Natives of the East. This part of the subject has often formed a topic of discussion between us, and it is also that upon which I consider that you have been placed in a position, during your residence in India, more favourable to forming liberal and unprejudiced opinions than the majority of those to whose authority, on Indian affairs, deference is usually paid. Placed as you were, from the extent and variety of your mercantile pursuits, in direct, and, if I may use the expression, social communication with Natives of wealth and talent, you had opportunities of becoming acquainted with *their feelings on all subjects of Government, which are studiously concealed from the public functionaries, by whom Government is administered.* In communications between public officers and the Natives, there is always the reserve of master and servant—*there is no equality ; and therefore there is no real confidence.*"

This statement is unquestionably correct, and this admission as undeniable as it is important. But what a field of reflection does this single paragraph open to the mind of the reader ? what a train of inferences are fairly deducible from this single disclosure ? It is here admitted, and no one acquainted with the people of India can for a moment doubt the fact, that there is no real confidence reposed by them in their rulers. Could this have been the case if we had never broken our faith towards them ? or if we consulted their feelings and wishes, as well as our own interests, in the measures by which their rights and happiness were to be so deeply affected as they are by almost every act and regulation of the authorities to which they are subject ? Certainly not. It was considered the greatest reproach to Lord Amherst to say that he had lost the confidence of all his countrymen in India : but here is a Civil Servant of the East India Company, far from being an enemy to the system, but simply desirous of seeing it improved, a person who has no doubt passed some years in the country itself, who says freely that the public officers of the Company's Government, which include nearly all the European population of India, have not, and never had, the least confidence placed in them by the people, who therefore never venture to reveal to them their real sentiments, but keep them always studiously concealed ! Now, to those who know much of the Asiatic character, it is hardly necessary to say, that a disposition to flatter, to reverence, nay, almost to pay

the homage of worship to persons in authority, is the natural tendency and prevailing characteristic of Asiatics generally, and of Indians in particular:—while of this we may be certain, that as long as the feelings of the Natives, on all subjects of Government, were *really* favourable to their rulers, they never *would* be concealed, inasmuch as it is always as agreeable to the ears of men in power to listen to eulogies on their measures as it is to the tongues of their subjects to utter them. This “studious concealment” of the feelings of the Natives is therefore the strongest symptom that could be shown of deep and universal *dissatisfaction* with the yoke under which they suffer: and the ‘Civil Servant’ in this only corroborates the opinion of all who have gone before him, down to Sir John Malcolm, the latest authority on the subject—that the feelings of the Natives are hostile to our rule because they think it unjust and oppressive.

The writer of the ‘Letter’ admits, however, that it is of great importance to ascertain what those feelings and opinions really are; and thinks the position in which Sir Charles Forbes was placed, as a merchant, unconnected with Government, such as to have given him opportunities of knowing them which could never have occurred to any public functionary. But if it be of importance for rulers to ascertain the real feelings of the people, in order that they may shape their legislative measures with some reference to the views taken by the people themselves of their own interests and happiness, there never has been a more safe, or more efficient mode of obtaining a perfect knowledge of this, than through a Free Press. An individual merchant, like Sir Charles Forbes, supposing him to enjoy the unlimited confidence of all those few Natives by whom he could be surrounded, would know the sentiments of a very small portion of the population in India. But there *are* Natives who, even to the European gentlemen with whom they are most intimate, would hesitate to express their opinions freely on many subjects connected with the Government of the country. The suggestion made by De Lolme, of a temple in which every individual might deposit his sentiments, with the certainty of having them made public, without fear of punishment for their want of conformity with those of persons in authority,\* would completely effect this object. The Press is that temple, and there never yet has been one so effective, nor one which every friend of the freedom and happiness of man should be so proud to support and defend. Mr. Mill, in his instructive ‘History of

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\* “If, for example, in an empire of the East, a place could be found which, rendered respectable by the ancient religion of the people, might ensure safety to those who should bring thither their observations of any kind, and from this sanctuary printed papers should issue, which, under a certain seal, might be equally respected, and which in their duly appearance should examine and freely discuss the conduct of the eadis, the pashas, the vizir, the divan and the sultan himself,—that would immediately introduce some degree of liberty.”—*De Lolme on the Constitution of England*. Sec. p. 299



India,' has truly said, that "the great remedy for all the defects of Government is to let in upon them the lights of publicity and censure;" and this remedy is more needed in India than in any country of which we have any knowledge. But the confidential communications of a few Native merchants, however wealthy and respectable, with some one distinguished individual to whom they may occasionally unbosom themselves, will not effect this. It can only be obtained by permitting every man, who has an opinion to offer, to be heard, and to let that opinion be known to the Government as well as to the community, through a medium equally accessible to all. For this we have conscientiously and disinterestedly contended from the first moment that our thoughts were directed to the consideration of Indian affairs; and every fact we witness, and every argument we hear advanced, either for or against its admission, tends only to confirm us more strongly in our conviction, that it is the best, if not the only efficient remedy ever yet devised for the evils which, through irresponsible governments, continue to afflict humanity. The writer of the 'Letter' goes on to say:

"Our system of government proceeds upon the practical principle of excluding the Natives from all places of trust and emolument. In civil life they may rise to the rank of clerks, head-constables, and interpreters of Hindoo and Mahometan law; while, in the army, they attain a rank not really more important than that of non-commissioned officer. To justify the continuance of a system so contrary to all sound principles, a strong case of absolute necessity should be established. To try the existence of this necessity let us examine two questions: First, are the Natives, in point of fitness, unequal to higher employment? Or, if fit, would the stability of our empire be hazarded by their being so employed? We will first apply these questions to civil offices. If we may believe the reports of diplomatic conferences, as contained in the correspondence from India, the Natives possess considerable shrewdness, and many of the higher intellectual powers; at least the political residents at the several Native courts represent themselves as having required the full application of their own mental energies and acquirements to deal with Mahomedan and Mahratta ministers. There may, indeed, be some persons who are not disposed to attach very great importance to the protocols of conferences prepared by British diplomatists in India; who look upon them as deserving the description of the Roman satirist—*Que mellitos verborum globulos, et omnia dicta, facta quasi papavere et sesamo sparsa.*' The keen encounter of wits, it will be said, must have an appearance of equality, or there would be no merit in success. However, the results of negotiations, conducted between English and Native negociators, prove that the latter possess knowledge and power of mind nearer to equality than

might have been expected. My reason for taking diplomatic proceedings as the exemplification of comparative talent is, that it is only in those proceedings that any opportunity for the exertion of Native talent is afforded. I will therefore assume that the mental capacity of our Native subjects is much beyond the present range of their official eligibility, and proceed to examine the policy of extending that eligibility.

“The British Government has succeeded in India to Native states, abounding in all the defects belonging to ill-administered military despotisms; the forms of government were throughout essentially defective, and the evil was aggravated, in most instances, by the positive decay and decrepitude of the supreme authority. *The first necessity of human society, security of life and property, was unsatisfied*; while the political convulsions consequent on the dissolution of the empire of Delhi presented *no hope of future improvement*. The most intemperate revilers of the British administration in India will hardly venture to deny that, *as compared with the governments to which it succeeded, great benefits have been conferred on the population*. Life and property are secured; and there is, if not an enlightened or expeditious, at least an *equal dispensation of justice*. These are substantial improvements, and must have produced their full impression on their first introduction. But however substantial the improvement, the uninterrupted enjoyment of the advantage diminishes the value, in comparison with the pre-existing and different condition. *Mere security of life and property may be compared to atmospheric air, the value of which is only fully appreciated under deprivation*. Unless we can *mentally disqualify* our Native subjects, we may rest assured that they must *feel*, and perhaps at last deeply *resent*, their practical exclusion from some share in the higher branches of administration; *that a mere security of animal existence will not satisfy*; and that **THE INTELLECT WHICH CANNOT FIND A NATURAL OUTLET, WILL INWARDLY FESTER TILL IT CORRODES AND FATALLY INJURES THE WHOLE FRAME OF SOCIETY.**”

On the first portion of this extract we may observe, that whoever attempts to justify the exclusion of Native Indians from office on the ground of inferiority of intellect, is either ignorant of the people of whom he speaks, or, what is worse, must wilfully pervert his knowledge of them to serve the purposes of despotism. In the case of the African negroes, the Caribbee Indians, the Papaws of the Eastern Archipelago, and a few other wild and untutored races of men, there is some colourable plea for the assumption of physical inferiority; though, in reflecting on the history of the Egyptians, the Nubians, and the Carthaginians, we feel persuaded that it is *mere* assumption. But against the Natives of Hindoostan we never yet heard such an insinuation: and while the Institutes of Menu, the Commentaries of Akbar, and the writings of Ram Mohun Roy,

exist, to say nothing of all the intermediate productions of writers on various subjects, we can never deny to the Natives of India an intellectual *capacity* for the very highest attainments, however much the wild superstitions of their country may have turned that capacity into useless and unprofitable channels. Whoever has lived much among the people of India must have perceived indeed that, from the age of seven to fourteen, the talent of the young Mohammedan or Hindoo is much more fully developed than in the European under similar circumstances and at the same age; and also, that in the humbler walks of life, between the mere daily labourer and the opulent merchant, there is much more sagacity and more general knowledge in the Native of Hindoostan than in the peasant or small farmer of England, and far greater than in the mass of English soldiers and seamen with whom they may be compared in their own country. There are very few domestic servants in India who cannot read and write: and some even maintain an extensive correspondence with friends and acquaintances at the distance of hundreds of miles. There is not a sepoy in a Native regiment of cavalry or infantry who may not be considered as quite equal, and frequently superior in attainments as well as character, to the English of the same class with himself; and among the very smallest shopkeepers in the country, whose whole trading capital does not amount to 10*l.* sterling, it is not uncommon to see written accounts, kept by the vendor himself with a degree of neatness and minute accuracy of detail which would be considered highly creditable to a large European establishment. Of the *capacity* of the Natives for acquiring all that we can teach them, the schools of Calcutta furnish abundant proofs in the proficiency of Native pupils in all that is taught at them; and if they are inferior to the natives of Europe in actual attainments, it is because no pains have been bestowed in exercising that capacity on the same class of subjects.

But we turn from this to the consideration of what is stated in the second portion of the extract from the letter of the 'Civil Servant.' The writer conceives "security of life and property" to be "the first necessity of human society;" and, so conceiving, mentions it as one of the great defects of the ancient Native governments that this necessity was unsatisfied. In this we differ from him: and we will state our reasons. If the security of life and property had been the first necessity, then it is clear, that under any circumstances which could be imagined, such security would be preferred above all other things. But the fact is notoriously the reverse. It would have been more correct to say, that *happiness* is the first necessity of human society. This it is which, under different modifications, is sought by every body, and this it is which is preferred to all other things. To every man who enters the navy or army, the security of life is placed on a very frail

foundation; by every man who voluntarily risks his capital in speculative projects of any kind, from ordinary commerce up to gambling and the turf, the security of property is as imperfectly enjoyed. All, however, that the parties ask, is, a corresponding hope of reward for the insecurity in which they voluntarily place themselves. The sailor or soldier is satisfied that, though he may lose his life in the chances of war, or be made a cripple, and linger in a hospital for the remainder of his days, he may also acquire fame and fortune in his career, and wear his laurels and enjoy his wealth at least for a season. The merchant and the gambler feel after the same manner. If their insecurity of property is great, their gains may be also considerable; and although they may end in being bankrupts, yet they may also be numbered among the wealthy and the honourable of the land. By far the larger majority of mankind are of this disposition: security of life is not their first necessity, for they would risk it for a thousand purposes, and abandon it altogether without scruple if they could not enjoy it in a free, an honourable, and a happy manner; neither is security of property of so much importance to them as its abundance, since they continually place the former in jeopardy to augment the latter. It is for this reason, we feel persuaded, that the Natives of India would much rather live under a government where neither their lives nor their properties were quite so secure as at present, provided they enjoyed more wealth, more consideration, and consequently more happiness, as long as they *did* live; instead of lingering out a weary existence, as they now do, shut out from all hope of attaining distinctions in the state, and so restricted in their property by the pressure of continual exactions, that the security of the little pittance left them is more a matter of benefit and congratulation to the Government than to the individual; because all that it amounts to, beyond mere animal existence, is just sufficient to form a germ or seed from which future property may be produced, to find its way, as almost all other property does in such countries, into the insatiable jaws of the public coffers.

On this subject we can speak with some experience; and as the illustrations may be worth recording, we will introduce them here. We have had occasion to converse with free negroes in the West Indies, who, having purchased their freedom, were for some time out of employment, and destitute of resources for immediate subsistence. On contrasting the precarious nature of their condition at such a moment with the certainty which they enjoyed, of food, clothing, medicine, and all that was necessary to the security of life and property, under their former masters' care, we have asked them whether they did not prefer the secure and thoughtless to the insecure and care-engendering state. The answer was uniformly the same. With freedom there is hope of improvement; in slavery there is none. We prefer the power of acquiring abundance,

though checked by occasional want, to the mere pittance necessary to sustain existence, however secure. This was not the language, but the sentiment, rudely expressed, was always the same. We have conversed with sailors of all nations, and invariably found that participation in the profits of a voyage, whether of whale-fishery, smuggling, privateering, or mere commerce, was always preferred to a low and regular pay; and this feeling is not peculiar to persons of this class alone, but common to all ranks of the community. We had an opportunity in Egypt, however, of ascertaining the operation of this principle in a still more marked degree, and in a manner which renders it extremely appropriate to the present occasion. The people of Egypt were formerly governed by twenty-four Mameluke Beys, so accurately described by Volney, whose fidelity has never been surpassed. Under these rulers, security of life and property was scarcely enjoyed by any man in the country; and, almost every month, some rich Christian, Jew, or Turk, was made to disgorge his wealth into the coffer of the Beys, when his head was frequently taken off as a security against his future murmurings. Egypt is at present governed by a single Viceroy, Mohammed Ali Pasha, who imitates all the European arts, adopts the greater part of its maxims, and governs by what is generally called a liberal and enlightened policy. His policy is, no doubt, very different from that of his predecessors the Mamelukes; for *he* never suffers any persons to *get* rich enough to require being relieved of their superfluities. His system is one of grinding taxation, after the most approved methods of European skill. If any man in his dominions is more prosperous than another, it is not because he has a larger portion of the profits of his labour left to his enjoyment than his fellow. Nine-tenths of the produce of his fields are taken from him, and the other tenth is only left because that is necessary to provide seed and subsistence, without which the nine-tenths of the ensuing harvest would not be produced. He has, besides, his corn monopoly and salt-petre monopoly, his India Trading Company, and his European Commercial Association. He melts down the pure dollars of Spain to adulterate the silver into a base coin of artificial value; and resorts to every artifice that can be devised for the sake of draining his already impoverished people, and increasing the receipts of his treasury. But nowhere is security of life and property better established (excepting only, perhaps, among the military, where death is inflicted to maintain discipline) than in the dominions of Mohammed Ali, Pasha of Egypt. It is the security, however, enjoyed by the negro slaves, whose lives are too valuable to their masters to be wantonly taken away; they let them live, and secure them their daily food, that they may reap the profit of their labour. But if any Egyptian of the present day be asked how he likes this system of perfect security of life and property, he will execrate the name of Mohammed Ali and his grinding system of exaction, and sigh for the insecurity of the Mameluke Beys;

where, though some dozen men in a year, perhaps, had their lives and treasures forfeited to the state, the great mass of the people lived in comparative affluence, and every man, except the few who made a pompous parade of their riches, enjoyed in tranquillity the fruits of his labours.

This is exactly the state of India at the present moment ; and the comparison made by its people with what they historically and traditionally know to have been its former condition, under their ancient rulers, is precisely the same as that of the Egyptians. Like them, they are now literally ground to the dust. What with the exactions of the revenue collector on the one hand, the difficulty of obtaining credit for any of their agricultural operations on the other, and the continued craving of the English government after surplus revenue, to be drawn from every available source, by opium monopolies, salt monopolies, land assessments, seizures for arrears of rent, &c. &c., the unhappy Hindoo has just sufficient left him, barely perhaps a tenth, to linger out a miserable existence for another year, and so to creep on to the grave, living and breathing, not for his own enjoyment, or with the hope of making a comfortable provision for his family, but as a mere instrument of production, for the purpose of adding every year more wealth to that vast fund which is first dispersed in salaries to the civil and military servants of the country, and ultimately drained off from India altogether, the greater portion to be spent in maintaining corruption in this country, and the rest to be bestowed on descendants here, whose fortunes are thus wrung from the labours of the Native Indian, from the sweat of his furrowed brow, and the toils of his swarthy limbs. He too, like his brother in bondage, the Egyptian, would prefer, a hundred times over, the insecurity of life and property under former tyrants, to the system of secure, but hopeless, poverty in which he now remains. His ancient rulers did, no doubt, consult their own pleasure rather than his, in all they did ; they were tyrants in principle and practice, but they permitted the great mass of the people to accumulate comforts around them. Their rulers wanted no surplus revenue to remit as tribute to another country ; they were not themselves turned houseless on the world, when their lands failed to yield their stated crops, because they could not pay their full measure of taxes. In short, they were permitted to live in some sort of affluence ; their agricultural labours were productive ; their manufactures were in general consumption, and well paid for ; and they *had* property, though it might not always have been so secure as they could wish. But under the present system they have nothing ; and, therefore, security is an empty sound. The Government takes care that they shall not be interrupted in the accumulative process, because nine-tenths of the fruit of that accumulation is preparing to be poured into its own treasury, and the other tenth they also protect, because, as it has

been before remarked, this is the golden egg, which, if destroyed, would defeat all future production for their own benefit. The people of India know and feel this deeply ; and have penetration enough to discover that, to live under one set of tyrants, where property may be accumulated and enjoyed, though the security is not perfect, is much more desirable than to live under another set of tyrants, where the pressure of unrelenting exaction is such as to render the accumulation of property almost hopeless, and where the only enjoyment of which they are secure, is the privilege of living to sow their seed and reap their harvest for the benefit of their benevolent rulers !

It is not, therefore, to be an " intemperate reviler of the British administration in India," to deny, which we do, most conscientiously that, " as compared with the governments to which it succeeded, great benefits have been conferred (by it) on the population."—If life and property are more secure, the one is less happy and the other less abundant, so as to render the security no equivalent for the loss of the other requisites. We have placed heavy and almost prohibitory restrictions on some of their agricultural products ; we have first weighed down with duties, and next extinguished by our machinery their beautiful fabrics ; we have taken from them their power, their wealth, and their consideration. And what have we given them in exchange ? An improved system of land-tax, customs, excise, and monopolies ; a disciplined army, to be turned against their own fathers, brothers, and children, if need be, or to be shot themselves if they refuse ; an intelligent civil service, to pass a certain period in collecting the produce of their labours for their governors, and ultimately themselves withdrawing to live upon their portion of this produce in England ; a wretched system of judicature, which is neither enlightened nor expeditious, nor equal, and from the courts of which all except rich suitors fly as far as they are able, and deem it the heaviest of calamities to fall within their power ; a few flying rope bridges over their rapid torrents, for the speed of conveying despatches ; a military road or two for facilitating the march of troops ; a few good, but many more useless, institutions for education, confined chiefly to the Presidencies ; a bench of judges, whose jurisdiction extends only two or three miles from the seat of government, as far as Natives are concerned ; with a bishop, a large church establishment, and Christian missionaries, to do that for which any man would be imprisoned in England, namely, to overturn the established religion of the country, without, however, making any visible progress in conversion among the intellectual part of the population. The Natives know all this, as well as we do ourselves, and the subject forms a frequent topic of conversation among them ; but, as they cannot venture to give vent to their opinions or feelings through any public channel, we may be quite sure that, in the words of the ' Civil Servant,' "*the intellect*

*which cannot find a natural outlet, will inwardly fester, till it corrodes and fatally injures the whole frame of society."* If it is desirable that the frame of society should *not* be injured, then this inward festering and corrosion should be prevented, by giving it the natural outlet required. There is no effectual means of doing this but by granting to the people a free use of the Press. This is, however, denied to them; and *if* the frame of society should hereafter be destroyed thereby, the blame will be fairly attributable to those who withhold the remedy, and who will deserve to suffer all the evils it may bring upon their own heads. If we wanted further arguments to refute the assertion of the 'Civil Servant,' that the English Government in India is full of benefits to the Natives of the country, as compared with the governments that have preceded it, we should find it in his own words, and almost in the same page in which persons are considered worse than "the most intemperate revilers of the British administration" who venture to deny this superiority. Let us hear, however, what this writer himself admits on the subject. He says:

"It is also remarkable, that in this exclusion of our Native subjects from high offices, we act with *less liberality* than the Mohammedan conquerors of India. Although the great object of Mohammedan conquest be the extirpation of idolatry, and the forcible conversion of mankind to the law of the Koran, the descendants of the house of Timour, when they found that the obstinacy and numbers of the conquered population rendered a general change of religion hopeless, did not hesitate to employ their Hindoo subjects in the *higher revenue offices*, as well as in *important military commands*. With greater reason for distrust, the Mohammedans appear to have shown *more confidence in their Native subjects*; and if the middling and lower classes were ground to the earth by judicial and fiscal oppression, the Hindoo nobles had a chance of *honourable employment* in the court and camp of the foreign despot; *they at least had an interest in the government*; and the example of their fidelity was calculated to bring with it that of the lower orders. The system of the British administration is unquestionably one of very equal dispensation; life and property are secured to all our Native subjects, *but honour and emolument are withheld from all*; these advantages of civil life are reserved for the European sojourners in the country, who do not even gratify the population by the display of the wealth accumulated in their exalted stations: *that wealth is hoarded for expenditure in their own country, whither they hasten, without having sought or obtained the affections of a people, with whom they never had, or professed to have, a common interest*. The difference of manners and education unquestionably present some obstacles to social intercourse between Europeans and Natives: but the immense difference in station, and the total absence of all common political interest, is



the main impediment in India ; for in other countries of Asia, where Europeans meet the Natives on terms of political equality, the same disinclination to society is not exhibited. I allude more particularly to Persia ; in the good society of that country, a polished European gentleman will find ample scope for the full exercise of his social and conversational powers. Such, too, would be the case in India, *if the Native character and manners were not lowered by political inferiority.* But, admitting the intellectual capacity of the Natives for higher employment, their moral fitness may be denied ; their habitual and inveterate falsehood may be cited as incompatible with official trust and responsibility. To such objections I attach little importance ; *the character of men is determined by circumstances* : tender honesty and truth the obvious *interests* of individuals, and there is little danger of their preferring corruption and mendacity."

Almost the whole of this important extract is full of truth ; and the bare admission of such facts from one who has passed a portion of his life in the East India Company's service, ought to awaken general attention. The British Government is not only "less liberal" than the Mohammedan conquerors whom they succeeded, but less liberal than the Persians, Turks, Egyptians and Moors of the present day. In Persia, Armenian Christians are employed in offices of trust and importance. In Turkey, even Jews are entrusted with the collection of the revenue, and with matters of the highest importance to the state. In Barbary, they are equally admitted to such confidence ; and in Syria and Egypt, Copts and other Christians are the chief agents, by and through whom all the great affairs of government are transacted. But in Hindoostan, no Native has an interest in the preservation of the existing government, and "honour and emolument are withheld from all," while their rulers "neither have, nor profess to have, any common interest with the people," from whom they extract all the wealth they can obtain, and then leave their places to be supplied by a new race of public pensioners. No wonder, then, that the disposition of the people of India is hostile to the Government and to the Country to which they are tributary, without receiving anything but extortion and degradation in return. It is undoubtedly true, that "the character of men is determined by circumstances," and, under such as we have seen detailed, it is impossible that the Natives of India can ever look on us but with aversion and disgust. If political and social inferiority of condition be the cause of this, as we readily believe it is, the remedy is easy. Let the ranks of each of the services be gradually opened to such an admission of candidates as may be found safe and practicable, increasing with increasing time. Let a body of European landholders and manufacturers be admitted as Colonists into the country, and they would speedily, from mutual interest, mingle with the Natives, impart to them confidence.

inspire them with respect, and raise their political and social condition to such a state as to make them, with very little exertion, as much the friends of the English as they are now their enemies in every part of the country, except at the Presidencies, and immediately about the persons of the European merchants and functionaries, where they are well disposed, because they feel their interests advanced by fidelity, and are in the way of being in that condition to which it is desirable that all their countrymen should, if possible, be also brought.

The manner in which the 'Civil Servant' proposes to admit the Natives of India to honourable employment is, to give them occupation in the judicial and revenue departments; and especially in the former, by admitting them as assistant judges in the provincial courts, where the Hindoo and Mohammedan, and not the British law is administered. It would require a volume to detail the defects and iniquities of the present system of judicial administration in India. In several preceding Numbers of our Journal, we have entered more at large on the consideration of this great subject;\* but we have now the testimony of a 'Civil Servant' of the East India Company, that nothing can well be worse. He admits "delay and accumulation of arrears" to be inseparable from the present system: he admits, that "the necessity of a remedy has been felt by all;" and adds, that "the hopelessness of success has been as generally admitted." He says, that "the laws in India are administered by persons without legal knowledge, or professional education;" and he adds, that neither in the circuit judges, nor in the highest court of appeal at the Presidency, is there a remedy for the evil; because "the judges who sit there labour under the same disadvantages, and throughout the whole series of them there is the same absence of legal qualification." There is no doubt that this is strictly true, with such few individual exceptions only as would make nothing against the general application of the rule; and, we confess, our own impression is, that were there no courts at all, so that every man should be left to be his own defender, there would be as great a chance of the ends of justice being promoted under such a state as under the present, where ignorance, indolence, and corruption are so powerfully combined to defeat the claims of the innocent, and support the extortion and oppression of the evil doer.

The 'Civil Servant,' in illustration of this branch of his subject, says:

"It may be contended that the Natives employed as advocates, or agents, in the district courts, do not possess sufficient respectability in society to qualify them for the proposed employment. My answer is, that it is but justice and policy to create among our Native sub-

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\* See 'Oriental Herald,' vol. vi. p. 279; vol. vii. p. 22, and p. 220.

*jects, by every possible encouragement, the knowledge and character required for a larger share in the administration ; my conviction is, that the knowledge and character would be found, were the career of honourable and profitable employment opened to them ; unless, indeed, the monopoly possessed by the Company's civil servants has irrecoverably imbruted the understandings, and degraded the moral feelings of the population of India. We found them exercising, under a vicious, rather than under an absolutely barbarous system, all the offices of administration ; had, therefore, the appetite at home for India patronage not increased with the extension of our power, the exclusion of the Natives from offices of comparative trust and emolument was not a necessary consequence of that extension, but the impossibility of employing Natives became a ready justification for increasing the number of civil servants to such an amount, that at the present moment the supply seems scarcely equal to the demand ; at least the college at Hayleybury cannot, from want of space, finish the candidates fast enough, and the Company have positively been compelled to apply to Parliament for leave to put the work out among strange hands."*

It was an observation of Mr. Huskisson, in a late speech in Parliament on the subject of the silk-trade, that monopoly is a fruitful source of fraud, perfidy, and crime. But it is not merely a monopoly of trade that is justly chargeable with these evils. A monopoly of government, of patronage, of power, is still more productive of iniquity than a monopoly of commerce, inasmuch as the field is wider, the instruments more numerous, and the dread of illicit competition less. If a commercial monopoly attempts to pass the ordinary limits of extortion to swell its gains, the temptation to contraband competition is so great that it is ventured on, and brings down the pride and self-sufficiency of the defeated monopolist. If the India Company were to double the price of their tea, many persons would no longer purchase it from them, and smugglers would bring in large supplies to meet the demand ; so that the evil might be in some degree corrected. But in their political monopoly no such checks exist. They may double the number of their civil and military servants ; it will not open the door at all the wider for the admission of unlicensed or unprivileged persons. They may increase their patronage or their power, and double their exactions to support it. Neither the people of England nor the people of India can offer the least obstruction to such an increase—the least check to such a torrent of evil, because of this most absurd of all the absurd things to which our Government affords its countenance—the delegation of political power, under the friendly disguise of a commercial charter, to a certain body of incompetent individuals, for a certain number of years ; before the expiration of which, the doctrine held is, that no act of enormity which they can commit will cause that power to revert to the source from which it is dele-

gated! The writer of the 'Letter' foresees the objection that will be made by the India Company to his suggestion for admitting Natives, however high their character and qualifications, to assist in the administration of the country, and says :

" I am aware that the number of European civil servants would be diminished by such an employment of the Natives ; that the patronage of the East India Directors would be diminished ; but I contend that the moral and political condition of our Native subjects would be raised by the measure, and that the British Government would acquire a hold on their affections and interests that is now wanting."

If a hold on the affections and interests of the people of India was that which the Government of Great Britain desired, it would never have legislated for India as it has done. If to raise the moral and political condition of our Native subjects were the object of either India Directors or British Ministers, the policy pursued toward them would be almost the very reverse of that which is now observed. All that the Directors wish, or expect, or care for, is the patronage attached to their offices. To this they cling with a fondness which never induces them to relinquish the smallest portion of their privileges, till at last they seem to regard them as part and parcel of their existence, only to be taken from them when life itself becomes extinct. The Ministers have hitherto been content to have the Directors generally at their call when needed in the House, and to exercise their power at second-hand, in occasional barterings of seats in Parliament for Indian writerships, and other reciprocal exchanges of similar favours. But we shall not have read the signs of the times aright if they do not desire already, and *evince* that desire ere long, to exercise that patronage at the fountain-head. We shall rejoice to see the change : not that we believe the Ministers of the Crown to be at all more perfect, individually or collectively, than the Directors of the East India Company, any more than we believe the latter to be better than the former. They are all men, and, in the usual acceptation of the phrase, perhaps all "honourable" men. But the very circumstance of making India a dependency of the crown, instead of a trading company, would give it at once an importance in public estimation which, till then, it will never attain ; it would make the nation regard it as worth their care, which now they certainly do not ; and, instead of having its interests confided to the secret keeping of a secret committee and a Board of Control, it would make them fit objects of scrutiny in the Legislature of the country, and give a greater impetus to the improvement of the whole system than almost any other change that can be imagined.

Having disposed of all the remaining branches of the administration, and offered a few words on the impracticability of admitting the Natives to the same participation in military which might be

acceded to them in civil power, the writer of the 'Letter' adverts briefly to the subject of the Press; his observations on which we shall give in his own words :

"The political liberty of the press in India, as pleaded by its advocates, I take to mean a liberty to examine and publicly discuss the measures of the ruling authority, *under no other restriction but an abstinence from falsehood or positive excitement to overthrow the Government.*

"The removal of a governor-general, or any other public functionary, by vituperation of his official conduct, or ridicule of his private character and qualities, would form a legitimate object of a press in such a state of liberty, and I am not prepared to contend that, in some supposable cases, attainment of the object might not be desirable; but I will confidently ask, whether such an unrestricted publication is consistent with even *an enlightened despotism*, and whether, in a country where *the people have no part in the legislation*, and where the whole machine of Government is conducted by *a few foreigners sojourning in the land*, their acts are susceptible of the same public discussion as in a state of society where no citizen is without some actual or contingent participation in the administration of affairs?

"A representative government, and a free press, are naturally coexisting political circumstances: the freedom of the press prevents the representative system from degenerating into a mere form; it is the element without which political vitality could not survive; but in a government where every authority centres in the executive, the freedom of the press is *an antagonist principle*, always tending to the dissolution of the administrative conformation. *Sic volo, sic jubeo*, when once the Government have adopted a measure, must be the maxim of all despotisms; *discussion and implicit obedience are incompatible*, and the only quarter from whence a control, consistent with the duration of our empire, can be exerted over public functionaries in India, is England.

"Freedom of political discussion, through the medium of the press, may obtain circulation for a newspaper, or display individual talent, but *it can lead to no useful result*: for the inevitable tendency of such freedom is first to question, and next to censure the measures of the ruling authority, *which, in India, is constituted upon such principles, that in the immediate scene of action, it can neither admit of the one nor the other.*"

Although so much has been written and said upon this subject, very little impression appears to have been made upon some minds, which are still without either correct views of what the friends of the press in India wished, or of the arguments by which they supported their demands. It is not correct to say, that the advocates of a free Press in India wished to have *no other restrictions than*

those indicated by the writer. They invariably expressed their entire readiness to submit to *all* the restrictions which the law of England imposes on the freedom of discussion, and these are neither few nor trifling. They wished that the party taking offence at any thing which might be published, should not be made the sole judge of that which had excited his displeasure. They were ready to submit to whatever sentence might be pronounced by a jury of twelve men, fellow-citizens like themselves, and deeply interested in punishing all real offences against the community or the Government under which they lived: they never murmured even when that sentence was pronounced by a single judge, himself a privileged functionary, and closely allied with the Government by office and station, as well as by continual intercourse with its members. Even banishment or transportation for the publication of libel, according to the Six Acts, which then formed a part of the law of England, would not have been resisted, provided that, as in England, the offender was first tried, and granted the common privilege of being heard in his own defence. In short, whatever any twelve jurymen, or a single judge, could be found to pronounce a breach of the law, they would have considered legal punishment. But that the person offended should be the individual to accuse, to sentence, and to execute the offender, was a state of things so unjust, so monstrous, and so detestable, that whoever did not raise his voice against it was not a man who ever deserved to enjoy any one political privilege during the remainder of his existence. Yet that is the exact state of the law, as it regards the press in India, at the present moment; and never will the pretended friends of freedom in India deserve that honoured name until they unite their hearts and hands in some great effort to remove so degrading a badge of slavery from their necks.

As to the argument used by the ‘Civil Servant,’ it has been so often refuted that it would seem a waste of words to go over it again. In the first place, we should say that if it were intended that India should be governed by known and established laws, instead of the caprices of individuals, and that those who executed them were to be responsible for their trust to the legislature of this country, the Government of India could never have been meant to be a despotism. If it really be so, it is in violation of all right and compact; and to argue, from the existence of an unlawful tyranny, against the admission of any checks on that tyranny, because they are incompatible, would be like saying, “such a man has become a chief of banditti: therefore, whatever crimes he may commit, they must not be punished by laws; because the existence of a despotic chief of bandits and the checks of the law upon his conduct are incompatible.” No doubt they are. But if one *must* fall, let us have the despotism abolished and justice triumphant.

It may be true, that “the people of India have no part in the

legislation," nor any voice in choosing those who have. But this, so far from being an argument against their free exercise of opinion, is an argument in favour of that privilege. Mr. Adam, Mr. Elphinstone, Sir John Malcolm, and a host of others following in their train, have constantly insisted that the fact of persons *having* a part in the legislation, is a reason why they should *not* either be qualified to form, or permitted to utter an opinion about public affairs. After enumerating the classes who compose the community of India, and dwelling especially on the circumstance, that by far the greater portion of its English inhabitants are persons actually engaged in the service of the India Company, and consequently taking a conspicuous part in the legislation of the country, he says, in reference to *their* right of discussing the measures of Government, "It is a mockery to claim for a community so constituted the political privileges and functions of the great and independent body of the people of England."\* Sir John Malcolm, in nearly the same strain says, in his published 'Letter to Mr. Lambton,' "I never could understand that the respectable English inhabitants of India, composed as they are of the civil and military servants of the Government, and of persons residing under licenses that can be withdrawn at any period, could form what an Englishman would designate a public, to whose independent sentiments a free press, like that which happily exists in our country, could address itself."† By these authorities, men *having* a share in the legislation are, for that very reason, disqualified from exercising freedom of discussion. By the writer of the 'Letter to Sir Charles Forbes,' men *not* having a share are, for that reason, disqualified from enjoying such a privilege; so that, between them both, all parties are equally excluded, as indeed they now remain. But it is surprising that it did not occur to these gentlemen, that the men who *have* a share in the legislation are in every country so few, that to confine the liberty of discussion to them would be to keep it within narrow bounds indeed; while to exclude those who have no share in the legislation from such a privilege, would be to take away the freedom of discussion from more than nine-tenths of the people of England. In this country, no one can be said to have any part in the legislation who has not a seat in parliament, or the power of contributing by his vote to place a representative there. Now from such a privilege all the females of the country are entirely excluded;—all men, in counties, who are not freeholders;—all the inhabitants of large towns which are not boroughs, and few besides the corporation in these;—all the navy, all the army, all foreigners residing in the country, and others, making up at least nine-tenths of the whole numerical population of the kingdom. Yet whoever thought of excluding them on this

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\* See 'Oriental Herald,' vol. i. p. 200.

† See 'Oriental Herald,' vol. ii. p. 394.

account from the power of offering their free opinions on all matters of public business? The idea is preposterous. What is wanted to qualify men for giving an opinion on public measures is, that they shall be really interested in their operation—that they shall occupy such a position in the community as to make it a matter of importance to their happiness and their fortunes, whether any certain measure or certain line of policy shall be adopted by Government or not. Whoever is so situated, whoever has a stake in the general welfare, has the clearest right to exercise his free opinion as to any act by which that stake shall be affected; and as the humblest individuals in society are freely left to the management of their own affairs, because of the universal impression that wherever men have property at stake, they soon learn to know what will affect its value or security: so the mere fact of men having an interest in the issue of public measures, whatever these may be, would be a sufficient motive to induce them to form opinions, which, when formed, they should be at full liberty to express. If the measures are in themselves wise, and beneficial to the community, those from whom they emanate need never dread their being examined. If they are *not* wise and *not* beneficial, the discussion of them is the more necessary, because that being proved, a good government would abandon them. This universality of *interest* in the measures of Government exists as fully in a despotism, whether enlightened or otherwise, as it does under the freest form of republican government. If an income tax of ten per cent. were about to be substituted in India for some other mode of raising revenue, the people of India would have as deep an interest in such a measure as the people of America would have in a similar law about to be introduced among them. A government being a despotism does not take away a man's love of property or his desire of happiness: nor is it of more consequence to the subjects of a representative government whether they shall be lightly or heavily taxed, than it is to the subjects of a tyranny. The fallacy about a "representative government and a free press being *naturally* coexisting political circumstances," and the assumption that without the one the other would be dangerous and pernicious, is therefore almost too silly to be seriously entertained. Mr. Wynn, we believe, had the distinction of first using this shallowest of all shallow sayings: and what he made of it may be seen by the curious reader in another part of our publication.\* But if ever the freedom of the press is "an antagonist principle," it is an antagonist of injustice only; an antagonist of that, against which every man should raise his hand—an antagonist of oppression and misrule, in the same sense in which virtue is an antagonist of vice; and while the one deserves encouragement as the rectifier of

\* See the comments on Mr. Wynn's Speech in Parliament, vol. ix. p. 605, *et seq.*



the moral world, so will the other as the purifier of the political atmosphere.

When the writer says, "Discussion and implicit obedience are incompatible," he must have shut his eyes to all that is passing around him every day. In no country on earth are the defects, nay, the injustice, of the laws more freely discussed, more loudly complained of, than in this: yet in no country that we ever visited are the laws more implicitly obeyed. And it is because of this very freedom of discussion that they are so. If no one could offer his opinion in public on these subjects, secret dissatisfactions would swell to conspiracies, and resistance would be the result. But here, where the utmost discussion is permitted, both before and after a law is passed, no one ever thinks of resisting the obedience which, bad as it is, is exacted from all. A single magistrate, or a constable with his staff, will enforce obedience in a free country, which it will take armies to command in a despotic one: and if the world be surveyed, it will be seen, that wherever discussion is most free, there the laws are most powerful, and least frequently disobeyed, as in America and England; while, on the other hand, where no discussion is permitted, there is implicit obedience least general, as in Spain, Turkey, Persia, and other countries, in which a tenth part of the population live in the open violation of the laws.

Again, when the writer says, that "political discussion may obtain circulation for a newspaper, or display individual talent, *but can lead to no useful result*," it is difficult to imagine whence he could have made so prophetic a deduction. One would think that nothing less than inspiration could justify so oracular a sentence. What does political discussion do in this country, or in any other country? It does no more than obtain circulation for newspapers, and display individual talent: but, in doing this, it does every thing else that is required of it. As long as newspapers circulate sufficiently to defray the expense of their management, it is clear that the community understand and enjoy them: for men do not willingly purchase what they neither comprehend nor feel an interest in. If they display individual talent, it is clear that the exercise of this must be on subjects in which the sympathies of the readers are favourably engaged, or it would be exercised in vain. But, wherever these materials exist for any *one* newspaper, they may exist for a hundred: where one individual may be encouraged to display his talents, a hundred others may be drawn into the same field: the number becomes a mere question of population and means. But the difference between one country—as Turkey or Spain for instance, where neither the newspaper can be circulated nor the talent displayed—and another, as England and America, where both are in full exercise, and where a million of intelligent beings are all availing themselves of the information disseminated through these channels of intercommunication—the difference, we say, be-

tween such countries is immense: and every step by which the one in darkness can be brought nearer to the light, is a blessing gained for its inhabitants. It is as arrogant, as it is imbecile, to say, that in India, or in any other country, the circulation of newspapers, and the exercise of intellectual talent, can lead to no useful result. This has been the chief agency by which our own country has arisen from barbarism to its present height of civilization. It is the chief regenerator of all countries, which are free, powerful, and happy in proportion to its influence on their institutions and manners: and to exclude India from the universal consequence of such a cause as this, is scarcely more absurd than it would be to deny that, in all other countries, light, heat, and moisture improve the vegetable creation; but that in India, however much the sun might cheer, and the rain refresh the earth, it would lead to no useful result in promoting the growth of fruits for the harvest. If India be, as the writer asserts, constituted upon such principles, that it can neither admit the wind or the rain, by which the elements of all other countries are purified; that it can neither admit of newspapers being circulated, nor talent displayed, (and no *other* meaning can be gathered from the closing sentence of the passage last extracted,) then we must say, that it is constituted on such principles as ought to be denounced by every lover of his country and of mankind, and rouse the tongue and pen of every British individual especially, till this hateful excrescence of tyranny be either brought to a state of healthy vigour, or cut off for ever from the parent trunk: its existence, in its present state, being as disgraceful to those who permit it to remain, as it is degrading to those who suffer under its noxious influence.

We should have closed our remarks on this production here, but that the writer leaves his greatest error for the last, and we cannot lay down our pen without at least adverting to it. We pass over the very few lines which he devotes to the Anglo-Indian race, not from an unwillingness to enter on that question, but because we have already far exceeded the limits which many will think reasonable, and because we hope to take an early opportunity of devoting a separate article to that particular topic. We come, therefore, at once to the concluding, and we must add, the crowning error of this pamphlet, where the writer delivers his opinion in the same oracular manner as before, on the subject of Colonization. We shall let him speak for himself:

“The policy by which our Indian empire is administered has hitherto been opposed to colonization; but it is not improbable that, on the discussions that must take place at the expiration of the present charter, an attempt will be made to effect a change in the existing regulations on the subject.

“These regulations, although they operate practically to prevent colonization, may be traced rather to the mercantile jealousy of

the East India Company, than to the higher reasons of State policy; *in my opinion, their operation, whatever be their origin, has been BENEFICIAL.* The usual principles by which colonization is regulated, do not apply to India; of that country, as of Canada, Australasia, and Southern Africa, it cannot be said, *desunt manus poscentibus arvis.* On the contrary, the inhabitants are so numerous as to *press upon the means of subsistence*, in a degree most confirmatory to the received doctrines on population. The Natives of India are also *sufficiently advanced in knowledge and civilization to be capable of acquiring, through their own application, all the arts and sciences, by which their physical and intellectual condition may be improved*; there would therefore seem no necessity, as far as the Natives are concerned, for colonization. The next point for consideration is the expediency of the measure, in relation to the nature of the Government in India, and the stability of our empire.

“The local Government in India possesses, *and must continue to possess*, the power of despotic legislation. This character has been mitigated, as far as regards Europeans resident in the country, by the establishments of the chartered Courts of Justice at the several Presidencies. Although the existence of two systems of law within the same dominions, the one applicable locally to both classes, Native and European, and universally to the latter, be in itself an anomaly, the number of European residents in the country has hitherto borne so small a proportion to the whole population, that *no inconvenience has been felt from the greater consideration shown for the lives and properties of the Master Caste*; but let the principle of colonization be once admitted, let Europeans and their families be congregated in towns throughout the country, let them become permanent landholders, and it will be difficult, if not impossible, to continue this legal distinction. Neither the first colonists, nor their descendants, when they feel the strength of numbers, will submit *patiently* to a system of government so essentially different from the British Constitution; *in the first instance they will endeavour to persuade the Natives that their common interest calls for innovation*, and may avail themselves of their physical force to effect it; the next step will be to *usurp all authority* from the executive Government; and the result of this dissension between the European governors, and the European governed, **MUST BE THE EXTERMINATION OF BOTH BY THE NATIVES.**”

Of all the inconsequent and extravagant assertions that we have ever yet heard respecting India, (and they have indeed been many) this is the most astonishing. One would have thought, that *if* the Natives could have exterminated the invaders of their country and the usurpers of their thrones, they would have done it when their conquerors were few in number; when they were but as a handful compared to the whole mass, and the rulers were the only party to be exterminated. But, being unable to do this when trying with

all their force, in their original resistance to our encroachments, when they were comparatively strong and united, and their invaders few and scattered; the writer imagines, that if the number of the Europeans were *increased* by colonization and new races of descendants, so as to quadruple the original or even present settlers in the country, (and colonization would soon effect even more than this,) and to usurp that authority from the Government, which the combined efforts of the Hindoos and Mohammedans never could effect; it would then be very easy for the Natives, though more completely disunited and subdued than ever, to exterminate both European governors and European governed! This is certainly an original idea, for it never could have entered into the head of any other individual, and we would not willingly rob the author of his claims.

We will go back, however, to the extract, for the sake of noticing the assertions it contains a little more in detail. When the author gives it as his opinion, that the operation of those regulations which prevent colonization have been "beneficial," it would have been well if he had added *to whom*. It has been beneficial, no doubt, to the few who enjoyed the gains of the monopoly from which others have been, by these regulations, shut out. Every family that has been enriched by the plunder of India, since our first settlement in the country, has been benefited by the exclusion of colonization; the India Directors and their connections have retained their privileges longer than would have been likely had colonization been permitted at an early period. But have the millions who form the community of India been benefited? Certainly not. Has Great Britain, generally, been benefited? Certainly not. Where colonization *has* been permitted, as in America, the country itself has been turned from a wilderness into a fruitful garden, studded with cities, towns, and palaces, filled with a free, wealthy, active, intelligent, and happy population. Where colonization has *not* been permitted, as in India, the lands are not at all more productive than formerly, agriculture has even declined, manufactures have been destroyed, wealth has disappeared, debt has been accumulated, discontent increased, and nothing but poverty and misery has advanced. These are the "benefits" which the regulations opposed to colonization have brought in their train. But the writer attempts to give a reason why the "usual principles" that regulate colonization do not apply to India. The "usual principles" which regulate settlements in colonies are simply these: that the inhabitant of the mother country should be as free to go from the parent state to the dependency as from one county of England to another: to settle where he can make his industry most productive, and to take up his abode in the most populous as well as in the most desert part of his country's possessions, as it may seem best. Now these principles "apply" to India as much as to any other country: that is, we mean, it would be as safe to grant entire freedom in this respect to the settlement of persons in that country

as in any other. But this excuse is the last resort of those who have no better argument to offer. To hear the frequency and the pertinacity with which this excuse is urged, whenever India is mentioned, one would think, not merely that it was a country in some other planet, where the very elements were different from those in this, but that it was inhabited by a race of beings so entirely different from all that had ever yet been seen or heard of, that no rule which was applicable to any other country was at all applicable to that. Is despotism and oppression said to be less desirable than freedom and justice? This is granted, even by the Government of India. But then, it is added, the rules necessary to diminish the one and increase the other are not "applicable" to the "anomalous" nature of our rule in India. There is no answering such an assertion as this: for if the nature of that rule be so "anomalous" as that the truths universally recognized elsewhere cease to be truths when attempted to be uttered there: then there is at once an end to all reasoning about the matter, and books and pamphlets, speeches and letters, upon a subject to which no ordinary rules of action apply, are so much waste time and labour, and had better not be written or delivered. But it is not so: and the only reason why this subterfuge is resorted to by the panegyrists of power is, that there is no better argument (if this can deserve the name) to be offered.

The writer says, however, that in India "the inhabitants are so numerous as to press upon the means of subsistence;" in other words, that sufficient food is not grown in the country to feed its inhabitants. But colonization, instead of increasing, would diminish this evil. It is not the actual number of people in any one country that constitutes a redundant population, but the proportion which that number bears to the quantity of food obtainable for their support. In the year 1700, England had a population of less than six millions. It is now at least twelve millions. But, though the island has not increased in size since then, the population is not more redundant, compared with the means of subsistence now, than it was when only half its present numerical amount. Every class, indeed, except the very lowest, possess more wealth, and live in much greater luxury than the same description of persons did a century ago. The increase of the population has, therefore, been considered an increase of national wealth and strength, to which the temporary distress of those employed in certain branches of manufacture now wanting employment, forms but a very partial exception. In England, to a surface of thirty-six millions of statute acres there are twelve millions of people, or *three* acres of surface for each individual. In Ireland, to a surface of about twenty-four millions of statute acres, there are six millions of people, or *four* acres of surface to each individual. But notwithstanding the extreme fertility of Ireland, the population of that country is much more redundant, as compared with the means of subsistence, than the population of England, though in the one country there are four acres, and in the other only three, to each

individual. And for what reason? Because of the inferior cultivation of the lands; the low standard of food, almost entirely vegetable, and of the worst sort—potatoes; the continued drawing away of the wealth of the country for expenditure in England, and the universal poverty of all classes resident in the country. Ireland, in short, is little better than a colony, a dependency, an appanage of England, the great mass of its population without political rights, and almost in a state of continual want and misery from its population “pressing upon the means of subsistence.” But no one ever thought of preventing Englishmen from going to settle there because of that, any more than they would think of preventing a Highlander from visiting London, or an Irishman from settling in Liverpool or Manchester, because in these great cities there was already a redundant population. On the contrary, all authorities agree, that the very best thing which could happen for Ireland would be the colonization of that country by English gentlemen of fortune, who would reside in the country, and cultivate their farms in a better manner; by merchants of capital, who would establish large manufactories, and by such addition to the wealth and intelligence of the country as should furnish occupation and diffuse the means of raising the people from their present degraded condition, always on the brink of famine whenever their potatoe crops fail them, to a level with more thickly peopled, but still more wealthy and happy England.

The very circumstance urged by the ‘Civil Servant’ as an objection to colonization, namely, that “the population of India already presses upon the means of subsistence” is therefore one of the strongest reasons in favour of colonization; because, the wealth and improvement which this would introduce into the country, would immediately *increase* the means of subsistence, and relieve the people from the very pressure of which he complains. He contends, indeed, that they are already “sufficiently advanced in knowledge and civilization to be capable of acquiring, *through their own application*, all the arts and sciences by which their physical and intellectual condition may be improved;” and then he argues that there is no *necessity*, as far as they are concerned, for colonization. But the best proof of their *not* being sufficiently advanced in this knowledge is, that they labour under the evil which such knowledge would most effectually remove. Their population presses upon the means of subsistence; in other words, they live not merely in perpetual poverty, but in continual apprehension of famine; they are exactly in the condition of the people of Ireland, except that they feed on rice instead of potatoes, and the same remedies that would relieve the one would relieve the other. Each would be greatly benefited by the settlement of more wealthy and intelligent men among them, to give them *models and materials*, on which “their capacity to acquire through their own application” the arts, sciences, &c., might be exercised; and subsistence while they were acquiring the means of improving “their physical and intellectual condition.” As to the necessity for improvement, it must always exist as long as there is

any thing to be improved. When a nation, like China for instance, arrives at the conviction that she alone is civilized, and all the rest of the world barbarous ; that there is no useful knowledge which the people of other countries can impart to the inhabitants of her own, then, indeed, she may shut the gates of her cities in the face of all visitors, as they do at Canton and Pekin. Whether the example of China be worthy of adoption in this respect, is a question on which people may differ. But this at least may be admitted, that *if* the exclusion of foreigners be a wise policy, and *if* the country which admits the fewest strangers flourishes the most, then, to benefit India to the full, the Honourable Company and all its servants should be expelled from Hindoostan. If they, however, remain, and contend that they benefit the country in so doing ; by the same rule, an equal number of English colonists, who would take wealth into the country instead of bringing it away, would be likely to benefit it still more. The author, indeed, says, that “ the local Government in India possesses, *and must continue to possess*, the power of despotic legislation.” This latter branch of the sentence we deny : there is no inevitable necessity for such continuance. It is just as permanent as the “ eternal friendship ” which is pledged in political treaties between nations that hate each other with the most deadly hatred ; but not at all more lasting. It may, like that, be destroyed whenever the parties desiring it feel strong enough to set it aside ; and we trust we shall yet live to see the day when this will happen, for despotism is a monster which every lover of his species should rejoice to assist in hunting down and driving from the face of the earth.

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 S O N G.

Love has been a guest, dear,  
 Long in yonder dome ;  
 Shall he, shall he rest there  
 Still, and find a home ?

Shall he cease to wander,  
 Like the restless wave,  
 Following the meander  
 Of winding creek or cave ?

Shall he, free from sorrow,  
 On that bosom still  
 Slumber sweet, to-morrow,  
 Dreaming not of ill ?

No ! with torch reversed, love,  
 See, he steals away !  
 His part is all rehearsed, love,  
 Why should he longer stay ?

BION.

## 'THE WANDERER OF SCANDINAVIA.' \*

AMONG our contemporary poets, a great many appear to aim at nothing beyond the praise of being agreeable romance-writers in verse. The 'Lady of the Lake,' the 'Excursion,' 'Christabelle,' and 'Roderic the last of the Goths,' though more or less poetical, according to the degree of fancy possessed by their respective writers, are mere romances, or novels versified. There is not sufficient invention, imagination, or art, in any one of them to entitle its author to the name of *poet*, in the highest sense of the word, though they undoubtedly bear the marks of genius upon them, and have features godlike though unfinished. Authors of far inferior powers have followed in the track of Sir Walter Scott and Southey, and produced metrical romances deserving of considerable praise. Miss Landon, Mrs. Hemans, and Miss Hatfield, ought certainly to be enumerated among these; the first two have acquired at least as much reputation as they deserve; the last must depend for her share upon the 'Wanderer of Scandinavia.' We suspect, however, that her fame will be much slower of circulation than that of Miss Landon, which was spread like wild-fire in a moment, by the Aristarchus of the 'Literary Gazette,' who discovered in the 'Improvisatrice' the genius of Sappho or Corinna. Persons who buy and read such books, consider that Journal in the light of an oracle; and hearing it prognosticate "glory," "immortality," and what not, to the writer of that poem, took it for granted a Phoenix had arisen, and flocked away to wonder at it. But, notwithstanding this critic's praises, Miss Landon is a very clever young lady, and now and then writes very agreeable poetry; as all readers of fashionable periodicals already know. The authoress of the 'Wanderer of Scandinavia' appears likewise to possess considerable ability, and to deserve to be both known and encouraged by the public.

Her work is a metrical romance. Its subject is the patriotism and success of Gustavus Vasa, the hero of Sweden; a subject which has already employed the pen of several writers, both in verse and prose. Old Dekker wrote a play entitled 'Gustavus, King of Swethland,' which was never printed; and a Mr. Brooke likewise composed a tragedy, about 1739, of which Gustavus was the hero. Mr. Dimond, too, as late as 1810, brought an opera on the stage, entitled 'Gustavus Vasa,' which was nothing more than an alteration of his own historical play of the 'Hero of the North.' Still,

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\* 'The Wanderer of Scandinavia; or Sweden Delivered,' in five cantos, and Other Poems. By Sibella Elizabeth Hatfield, 2 vols. London—Truro. 1826.



the actions of Gustavus might be regarded as territory unoccupied by the muse ; for whatever might have been written on them was almost thoroughly forgotten. Miss Hatfield had therefore a fair field before her ; but, perhaps, she should not have chosen so difficult and trying a task to begin with. More humble adventures, and a narrower scene, might, probably, have suited better the turn of her mind, which, we think, ought never to have led her to attempt the almost inaccessible heights of the epic. The events of history should never be touched by the poet, unless he can raise and embellish them ; and we fear that very few among our contemporaries could make the adventures of Gustavus appear as interesting in verse as they do in the prose of Vertot. To describe such events with becoming dignity would demand profound historical and political knowledge, added to a powerful imagination, great insight into the human heart, and exquisite skill in painting and contrasting character. Such qualifications are not to be looked for in a young lady, and could not, perhaps, be found in any poet living. Even Byron was not possessed of them. The utmost therefore that can be expected, in a work like the one before us, is an interesting story, and agreeable description ; and these, we think, the reader will find in this poem.

It begins with the confinement of Gustavus in the Castle of Calo, in North Jutland, whither Christiern, the tyrant of Denmark, and a sanguinary priest, repair in disguise to prevail on Eric Baner, the Lord of that castle, to assassinate Gustavus. Their design is discovered by Baner's daughter, who communicates the knowledge of it to the Swede, and liberates him from prison. He escapes entirely from the Danish dominions, and enters Sweden, after attempting, without success, to rouse the people of Lubeck in his favour. In Sweden he is not more fortunate ; the greater number of those to whom he addresses himself refuse to aid him in his designs, and some even attempt to betray him into the hands of the enemy. He contrives, however, to defeat the treachery of his countrymen and the cruelty of his enemies, and arrives in disguise in the mountains of Dalecarlia, where for some time he works as a common labourer among the miners. In this condition he is discovered by a Dalecarlian gentleman, who at first seems to enter into his views, but afterwards endeavours to betray him to the Danes. Gustavus escapes by the assistance of the traitor's wife, and takes shelter in the house of an obscure curate, whither he is conducted by the improbable agency of Eric Baner's daughter, who is awkwardly brought to Dalecarlia expressly for the purpose. The curate conceals the hero from the Danes, and concert with him the most judicious schemes for the liberation of their country. Upon this, Gustavus repairs to the village of Mora, where the Dalecarlian miners were assembled to celebrate some rustic festival, and harangues them with all his eloquence to rouse their indigna-

tion against the Danes. He feigns that Christiern has projected the most despotic measures against their province, and, perceiving that his oration has made some impression on their minds, offers himself as their leader. The Dalecarlians accordingly breathe vengeance against the Danes, accept him for their general, and immediately revolt. He selects a party of the boldest of them, and, under cover of night, surprises the governor of the province in his castle, and gives up the place to pillage. Following up this piece of success, to keep the peasants in good humour, he attacks the town of Westeras, and takes it by stratagem; and, from this point, goes on "conquering and to conquer." Battle follows after battle, the Danes are every where vanquished; and, at length, the hero, after various toils and divers miraculous exploits, enters Stockholm, and is saluted King of Sweden.

The reader will easily perceive that the historical order of events has been most religiously preserved: but, connected with these, the authoress has another series of incidents of her own creation, which she has often managed to render very interesting. Besides, though she has taken, as was proper, the events from history, she has assumed the liberty to imagine the circumstances and the scene, and is sometimes very happy in her invention. Indeed, allowing something for the exaggeration natural to a youthful imagination, she seems to describe northern scenery with great truth and vivacity, and often with a minuteness which looks like the painting of an eyewitness. She must therefore have taken very great pains to familiarize her mind with hyperborean images, which, as they give an air of truth to the circumstances related, form a considerable portion of the merit of the work. Perhaps, however, the imagination is kept too much among snows and ices; for these things are apt to throw a chill even over our ideas, which struggle with great earnestness to get away from the neighbourhood of the arctic rock towards the flowers and sunny regions of the South. Even Homer would have failed to keep fancy alive for any length of time on the Polar snows; because the mind has no pleasant associations with intense cold, and refuses to dwell long on any thing that is not pleasurable.

We are sorry Miss Hatfield should have thought it necessary to sacrifice the daughter of Eric Baner, her heroine; for, except Catherine Paterson, who saves Gustavus from the treachery of her husband, there is no female character in the work about whom we feel much interested. She should have contrived to make his future queen the instrument of his deliverance, and have left out that dreadfully-tragic catastrophe which overwhelms poor Baner and his daughter. However, we are very strongly interested in the fate of Edra Baner, who is a fine female character, full of sweetness and passion; and "chaste as the icicle that hangs on Dian's temple;" and we object to the shooting of such persons at the end of such a story, only because it needlessly thickens the horrors already too dense and numerous.

The wild adventures of Gustavus, his escapes, his various receptions, his daring, his humanity, and his wanderings among the Dalecarlian hills, are described with much vivacity and feeling; though he is made to perform and undergo too much, and to escape too often from "fierce, hot-breathing pursuit." He sets out from Calo with a mysterious character, whom we lose sight of entirely about the middle of the poem; at least *we* lose sight of *her*; and we say *her*, for undoubtedly Edra Baner's mute page was meant to turn out to be a lady. Perhaps, however, this may be our own oversight.

The style and versification of the work are very well suited to it; though, perhaps, there is too great a profusion of metaphors and similes. But all works that we have seen of this kind are by much too laboured, and therefore the fault of Miss Hatfield is only the fault of her class of poets. They invariably wire-draw their similes and descriptions to a vast length, and overlay their subject with a profusion of ornament; and, to a great many, this is rather a recommendation than otherwise. That the reader may judge, however, for himself of the merits of this work, we will select a few passages from different parts of it, as fair samples of its general character, for it is pretty equal throughout, not containing, like many, passages of great beauty and great absurdity, but equally and mildly interesting. To show how far our commendation is really merited, we therefore select at once the Introductory Stanzas, in which the imagination and feelings of the fair authoress are equally engaged:

“What arm can turn the chariots of the wind,  
Or, stretch'd o'er ocean, its high billows still?  
Or to its cloudy cave the lightning bind,  
Or turn its searing bolt from marked hill?  
Bar the broad river tribute-torrents fill  
From the deep valley fitted for its bed;  
O'er tropic skies the deep, life-with'ring chill,  
'The icy clouds of polar winter spread,  
Or, o'er the arch of noon the shades of midnight lead?

Oh! none, that earth has lent its dust to form,  
Can bear o'er these one moment's little sway!  
Winds, lightnings, torrents, sunbeams, or the storm,  
One only arm, one only voice obey!—  
Lev'ling the palace-dome, by many a day  
Of toil and slavery's labour taught to rise;  
Sweeping the barrier from its base away,  
And scattering its fragments in the skies,  
Soon as the mandate dread from their high monarch flies.

And who, thou sacred breath of the same heaven,  
 Spirit of Freedom ! who shall rule o'er thee,  
 When thou awakest, when to thee is given  
 Commission dread to long-borne tyranny ;  
 Repress the breathings, dim the flashing eye,  
 The torrent bar of thine assembling sons,  
 From the fair vale of sacred liberty  
 Spread chill and darkness o'er thy star's bright dawns,  
 Or o'er its risen beams bring slavery's midnight bonds ?

None ! none ! in vain the phalanx barriers swell :  
 War's threat'ning voice along each valley flies,  
 And, heard afar, wild tyranny's bloodhounds' yell  
 Let loose on every path that valour tries ;  
 Inspired by *thee*, though congregated rise  
 The hosts o'erwhelming of dark-fronted foes,  
 All ! all ! their lifted souls alike despise ;  
 With ardour, fear-unchill'd, each bosom glows,  
 Dares all for thee, and wins, and finds in thee repose !

To tell thy triumphs, wakes the minstrel's song ;  
 The humblest of the train that courts the ray  
 Of Fame's sweet star, and doth her temple throng,  
 To ask its shine on many a well-sung lay ;  
 Dares from the cottage bower to wend away,  
 (Borne on high fancy's wings to realms afar,)  
 Through Borean climes to pour the varied lay,  
 And sweep the harp beneath the polar star,  
 While torrents rush around and icy tempests war.

And if there be a muse who loves to roam  
 'Midst scenes of Nature's wild magnificence,  
 That from Olympia's sunny heights will come  
 To animate that strain, and banish thence  
 All that to taste can minister offence,  
 All that doth not thy purest spirit breathe,  
 From each awakened line ; and free dispense  
 The sacred power that to the minstrel's wreath  
 Gives freshness, fragrance, bloom, by her inspiring breath ;

Then, Scandinavia, thy untutor'd bard,  
 With thy wild storms will make sweet melody,—  
 And teach the softer bosom to regard  
 A tale of other times ; will to the free,  
 Unblamed, sing of bright-brow'd Liberty,  
 So valued and so loved in Albion's isle,  
 Where, throned in her own native purity,  
 She cheers the lowliest bosom with her smile,  
 And warms her patriots' breasts, and soothes her warriors' toil :

Then, trembling lyre, from thee fair Freedom's strain  
 Will burst like torrent from its native bed,  
 Impetuous, strong, when contest ploughs the plain,  
 Glidingly sweet, where softer scenes are spread ;  
 Then, bright reveal'd, will stand each mountain's head,  
 Each valley's bosom and each forest deep,  
 Robed in their stole of snow, while, o'er them shed,  
 Smile the moon's midnight beams, as in the steep  
 Of the clear sparkling heaven she doth her station keep.

Shine in thy lay the northern summer's beam,  
 Bloom the bright flowers it wakes to instant birth,  
 Dash the unfetter'd torrent, the calm stream  
 Flow bright between its banks of green-clad earth ;  
 With sudden verdure stand the forest forth,  
 The pine-crown'd hill arise, down whose dark sides  
 Roll the white flakes before Spring's sunny mirth,  
 That, like Compassion's once unfrozen tides,  
 Turn to a fruitful flood, that glads where'er it glides.

Yes—as the varied scenes by Nature given,  
 Or fancy, nature-taught, creates around,  
 Call out thy strains to paint in earth or heaven  
 All that she gives below, or in the bound  
 Of yon bright arch appears—thou wilt be found  
 Still faithful to her hues, her feelings still ;  
 Whether the battle gleam, the battle sound,  
 The maiden's eye with secret tear-drop fill,  
 Or the roused patriot's voice each burning bosom thrill.

Oh, come bright influence ! whate'er thy name,  
 Deign to bestow such sweet and hallow'd power ;  
 Not that may gained be the world's acclaim  
 For one who values not,—but that the hour  
 When some kind spirit deigns to list, sweet flower  
 Of thought, or virtue, springing, may behold  
 In the pure bosom, or, if not, may soar  
 The strain to such high meed, that 't was enroll'd  
 With those the record fair, of guiltless joy that hold.

And is there then none other wish to gain—  
 None other—thrilling in the minstrel's heart,  
 For which is trodden his wild path of pain,  
 And ask'd the power of sweet poetic art ?  
 Yes—one, which not he blushes to impart,  
 One—that for aye around his bosom steals,  
 That blunts the point of scorn's envenom'd dart,  
 And the deep wound of disappointment heals ;  
 And thus, who feels its power in trembling lay reveals.

Sweet is the thought to minstrel's lonely soul!  
 (Let the cold world despise it as it may,)
 That o'er his song one radiant tear may roll,  
 (Perchance shall consecrate his sleeping clay;)
 That often at the hour of closing day,  
 His simple strain may soothe some pensive breast,  
 Or some young bosom, that before was gay,  
 Steal a pure sigh that he was not so blest
 As deems it souls should be of genius' power possessed.

And if such gentle tribute of the heart,  
 From but *one* soul by kindred feeling warm'd,  
 Should be bestow'd on one who dares impart
 Thus, to the world, the fond hope that has charm'd  
 Her own sequester'd spirit; unalarm'd  
 By the loud discord of contending tongues,  
 That praise, or blame, as fancy may have form'd,  
 Or prejudice, the judgment, all their wrongs
 That thought would steal away—sweet guerdon of her pangs!

Hast thou that weakness fold! then turn thee, lyre,  
 Awaken now the "song of other days:"  
 And though not yet, from thy weak trembling wire,  
 The voice of Freedom thou wilt aim to raise;  
 Perchance thou mayest win as sweet a praise,  
 If thou with softer strain begin the lay:  
 'Midst the low vale first the young river plays,  
 Then, as it wider spreads, it bounds away,  
 And on its bosom proud doth lofty barks display."

From a poem extending through nearly 600 pages, it would be impossible, within the limits of a periodical Journal, to give connected extracts, which should combine even the outline of the story, with just specimens of the manner in which it is told. To appreciate the work as it deserves, the whole requires to be read: but, in order to show, as well as our space will admit, that the perusal will be rewarded by passages of merit and beauty, we shall make a few selections here; and introduce some of the separate pieces among the Poetical Varieties scattered through different parts of our present Number. The first canto of the poem opens with a description of the fortress of Calo, thus:

"As sweet and fair and calm an eve  
 As ever closed a summer's day,  
 Or threw its blush across the wave,  
 Or melted from the clouds away,—  
 (Just such an one as happy love,  
 With radiant eye, would joy to greet,  
 While hast'ning to the winding grove,  
 The heart-enshrined one to meet:

Just such an one as friendship feels  
 Can heighten its pure happiness,  
 And, as the mutual glance it steals,  
 Owns lovely Nature's power to bless ;  
 Just such an one as fancy's eye  
 Might people with unearthly things,  
 And deem each cloud of lovelier dye  
 Bore tints of passing seraph's wings,  
 On mercy's sacred errand sent,  
 Soft waving through the firmament,)—  
 Was shedding down its parting smiles  
 Upon those fair and fertile Isles  
 That o'er the broad Catægate sweep,  
 Like riven barrier of its deep :  
 The gale, as if allured away  
 By the sweet beams of fading day  
 To fan its morn in other lands,  
 Had stolen from the glittering waves,  
 And calm, as if ærial hands  
 Had smooth'd its bosom, round the strands  
 Of Jutland, and its craggy caves,  
 Reposed the blue transparent flood,  
 O'er which, in all the gloomy pride  
 Of buttress'd tower and rampart wide,  
 High Calo's rock-based fortress stood."

And in the following lines, two of the earliest mentioned characters in the poem are introduced :

" Brightly upon the castle's wall  
 The day's retiring lustre slept,  
 And, as the evening's shadowy fall  
 Around the clear horizon swept,  
 It seem'd to take a holier hue  
 From every deep'ning tint it threw  
 Upon the venerable pile ;  
 So deem'd at least young Edra's heart,  
 As on a battlement apart  
 She lean'd, the moments to beguile :  
 And had some gazing glance been there,  
 It would have own'd eve's " amber light"  
 Ne'er glow'd upon a brow more fair,  
 Or melted from an eye more bright,  
 Than on that scene of beauty bent  
 (Or turn'd to earth or firmament)  
 Its soften'd beam, a lovelier form  
 Than Edra's, on this world of storm,  
 Ne'er brighten'd into beauty's flower,  
 To grace a lone paternal bower ;

The transcript of a precious one  
The insatiate grave had closed upon,  
And sole remaining joy that heaven  
Had to a widow'd bosom given.'

After some beautiful lines, alluding to the fondness of the father, Baner, for his daughter, his recollection of her infant dalliance with her deceased mother is thus poetically described :

' Oft had those snowy arms been twined  
Around that neck, that now reclined  
In the cold earth; like a young rose,  
Just opening as another blows  
Upon the same green branch, that seems,  
In fancy's wild but lovely dreams,  
To copy every beauteous dye  
Of that unfolded one; his eye  
Had mark'd his Edra's infant charms  
Disclosing in Ulrica's arms.  
Seven swift-wing'd summers saw them bloom  
Together—when the eighth was come,  
On one alone its beams were shed;  
The cemetery's glooms were spread  
Around the lovely parent's head.'

The love of Edra for the young Swedish captive Edric, and her solitary watchings, are thus portrayed :

' But why thus pensive loves the maid  
The day's declining hour of shade?  
Is it to shed the duteous tear  
O'er her in childhood held so dear?  
Why shuns she, at this lonely hour,  
To seek her father's festal tower,  
Where noblest hospitality  
Has spread the banquet's revelry,  
And many a warrior's softening eye  
Turns for her entrance with a sigh?—  
Oh! vainly is the banquet spread  
For hearts to all its pleasures dead;  
And vainly and unsought may shine  
All eyes but those for which they pine;  
And 'tis not in the banquet hall  
That *such* on Edra's form can fall.  
Oh! those her heart might teach to beat  
Are gazing on the deep blue sea,  
Or, turned from its fair surface, meet  
The narrow cell of slavery!



Yon tower, to which that glistening eye  
 Is turned so oft, so fearfully,  
 (As if it sought some angel's brow,  
 Yet trembled to behold its glow,)  
 Within its dark and frowning walls  
 A Swedish captive youth enthralls,  
 Whose image, like day's rising star,  
 All others, darken'd, sends afar,—  
 As the dim orbs, that wait the morn,  
 Seem of their light and lustre shorn.

And might not Virtue's self forgive  
 The deep devotion of that breast ?  
 Yes—Virtue's self had bid it live,  
 Though it might rob her soul of rest.  
 Oh ! had she ever found a shrine  
 More pure than that young noble heart ?  
 Did ever freedom's love entwine,  
 Or to a youthful breast impart  
 A brighter or a holier flame,  
 Than had illumed that matchless frame,  
 When of his country's fate he spoke,  
 When from his rising spirit broke  
 The indignant warrior's patriot strain,  
 That own'd and felt, but spurn'd his chain ?

To the young captive in this tower such intelligence had been conveyed as was calculated to extinguish all hope of freedom to his country, and to make him bend, if aught could so humiliate him, to the destiny that seemed to rule his fate ; and the impression and effect is thus finely imagined :

' Such was the mandate Denmark's king  
 Had charged his messengers to bring  
 Lord Edric's ear : and hence to-night  
 The halls of Calo's towers are bright  
 With many a trembling taper's ray,  
 And many a scene of revelry ;  
 And hence the beauteous Edra steals  
 In secret from the festive halls,  
 To the lone rampart that reveals  
 The Scandian captive's prison walls ;  
 And gazes with that moisten'd eye,  
 And listens with suppressed sigh,  
 Lest he should deem some being nigh ;  
 And in his secret soul enchain  
 That ardent, elevated strain,

That sometimes, at the hallow'd time,  
 When memory and feeling wake \*  
 (Sweet, solemn evening!) sublime,  
 To the calm listening heavens spake,  
 And told the high, the bright design  
 A tyrant's thrall could never move,  
 That had its firm foundation line  
 In his unhappy country's love;  
 Unconscious that another ear,  
 Save that of heaven, had lea'd to hear.

Hear'st thou it now, sweet list'ning maid,  
 That voice, that in these hours of shade,  
 From thy devoted heart has won,  
 Or made forget its orison!

Yes, now upon the soft-wing'd air  
 It floats; but if thy bosom love  
 The peace that still may linger there,—  
 If thou wouldst not those feelings prove  
 Of life-corroding bitterness,  
 Of deep, yet never own'd, distress,  
 That struggle through the breast that knows  
 Itself unloved; if thy repose,  
 Broken as it may be, still give  
 The unnamed hope a leave to live;  
 Then steal not to that lattice near—  
 Then lean not forward thus to hear  
 Sounds that will root it from thine heart,  
 And leave no balm to heal the smart.

“ Oh! when, my country, shall I see  
 Thy fetter'd sons and daughters free?  
 Sture slain! the valiant Regent dead!  
 Oh, Sweden! on thy sunken head  
 Christiern will now in triumph tread.—  
 But no, it cannot, must not be,  
 Dear land of once bright liberty!  
 And never till her sacred shrine  
 Again shall on thy mountains shine  
 Must any other love entwine  
 Around my soul its silken thrall,  
 To thy high weal devoted all.  
 Ev'n thou, *my princess*, even thou,  
*Fair maid of Lauenburgh*, must bow  
 Thy love to hers, loved as thou art,  
 And dear to this imprison'd heart,  
 My country first its pulses claims!  
 While *she* is shackled, other flames

'T were sacrilege to cherish, yet  
 When Christiern feels the grasp of fate,  
 And freedom on her hills shall shine,  
 I then may call thee, loveliest, mine !"  
 'T was thus upon the maiden's ear  
 Rose the high captive patriot's care.'

The following appear to us to contain a deeply interesting, if not a powerful delineation of that hopelessness of feeling, which becomes the more painful on a comparison with the redeeming changes or restorations which all Nature enjoys after temporary derangement: but which, to the mentally despairing, never appears likely to come:

' The evening's streamy light may steal,  
 Unnoticed, from the billow's breast,  
 Her silver star no more reveal  
 Its dewy splendours in the west ;  
 The sweets of fragrant spring decay  
 Before the chilling northern blast,  
 And summer's sunny hours away,  
 By cold returning storms, be chased,  
 Unmark'd, unmourn'd,—for other eves  
 Shall streak with gold the wave and skies ;  
 And, but awhile fair Hesper leaves,  
 With beams as bright again to rise ;  
 And other seasons, bright and fair,  
 Shall meet the earth upon her way,  
 And shed of gifts a double share,  
 Their past unkindness to repay ;—  
 But there is one sweet star, whose beam,  
 Once quench'd, shall shine no more for ever ;  
 One season fair, whose sunny gleam,  
 Once chill'd, again can kindle never.—  
 Poor maid ! the paleness of thy cheek,  
 The wild dark lustre of thine eye,  
 Thy bosom's star, thy peace bespeak,  
 Lost in this hour of agony.  
 And the bright glow of thy young morn,  
 The beamings of thy life's sweet spring,  
 Shall ne'er again thy sky adorn,  
 Nor o'er thee hope's soft splendours fling.'

The story opens after this with animating and thickly crowded events, into which we cannot presume to enter here. But, if we have succeeded in exciting in others a wish to peruse the poem, we feel persuaded that the labour will be rewarded with pleasure ; and we shall be gratified at being instrumental to the spread of a reputation which we think the authoress fairly deserves.

PRESENT SITUATION AND FUTURE PROSPECTS OF THE DUTCH  
COLONIES IN THE EAST.

**THE** situation of the Dutch Colonies in the East has been for some time past exceedingly precarious and disturbed ; and, as many British interests are involved in the fate of this part of the Oriental world, a brief sketch of their actual condition, and future prospects, drawn from recent and authentic sources of information, may be useful.

Since the proclamations issued by the Government of Java early in 1824, levying additional duties on all articles of cotton and woollen manufacture imported from foreign countries, the commerce of the island has been on the decline ; for these duties, amounting to 25, and in many cases to 35 per cent., on an arbitrary valuation at Batavia, have operated sensibly against the consumption of the principal articles of British trade. In the face of such taxation, united to falling markets for coffee, which proved the principal article in return, it was no longer possible to carry on the trade with advantage. About the same period, the decline in the revenue, arising from various causes, began to produce embarrassment in the finances of the Colony ; when the functionaries at the head of affairs, being placed at such a distance from the Mother Country, resorted first to measures of temporary relief, and subsequently to expedients, which have been attended with acts of the grossest injustice and violation of the rights of property.

The Island of Java is under the particular administration and paternal care of his Majesty the King of the Netherlands, whose attachment to this Colony is just in proportion to its productiveness to his own private revenue, as he is notoriously the most avaricious monarch in Europe. By this rule, we may find some clue to the neglect and mismanagement of his Oriental possessions, which have of late proved any thing but profitable to the coffers of his Majesty or his subjects. Whether the late Governor-General, the Baron Van der Capellan, (an excellent private character,) had not sufficiently pressed upon his Majesty the urgent wants of his Government, or that the Parent State had been backward in supplying its aid, it is certain that, at the commencement of the year 1825, the greatest distress was experienced in the finances. The circulation was overloaded with paper currency, and yet no means existed to answer the demands on the Treasury, but the continued issue of Treasury-notes, as they were called, bearing an interest of 9 per cent. per annum, which is the ordinary rate of the Colony. These notes soon accumulated to five or six millions of rupees or guilders, (about half a million sterling,) besides many unsatisfied claims, which were postponed on every sort of pretext by the Finance Depart-

ment. Although partial aid was obtained from Bengal, it was evident that nothing effectual could be derived from this quarter, when the Burmese war occasioned a great demand for money and the jealous policy of the Government at home being opposed to obtaining even assistance from the British. Effectual relief could therefore be expected only from the Netherlands, and from them it was anxiously looked for.

This was the situation of Java in July 1825, when the insurrection broke out in the Native provinces, seated in the very heart of the Island, and at a period when the military force was dispersed on distant expeditions to Macassar, Borneo, and Sumatra. The alarm of the Government was manifest: there were probably not 1200 European troops in the whole Island, and not nearly that number disposable to meet the danger. Had the Princes of Djocjocarta and the other Chiefs in revolt, acted with any sort of promptitude and energy at this crisis, the Dutch would have been massacred or expelled from Java, and it would have cost them many years of expensive effort to reconquer and re-establish their possessions. But a want of these essential qualities in the Native Chiefs, of combination in their movements, added to the cowardice of their followers, who generally abandoned their leaders when seriously attacked, limited their operations to the burning of villages, the destruction of the cultivated country, and the harassing of their enemies, the Dutch, to whom this mode of warfare proved more destructive and expensive than a more vigorous and bloody contest. Fortunately for them, they had secured, in the outset, possession of the person of the Emperor of Solo, and, by consequence, the neutrality, if not the co-operation, of his numerous subjects. A temporary force was raised from among the Natives, principally from the Island of Madura, and a militia organised at the three principal cities of Batavia, Samarang and Sourabaya, consisting of all the European and Christian inhabitants capable of bearing arms,—measures which in some degree checked the spirit of revolt, and prevented its extending to the settlements on the coast. The war, however, in the interior lingered for want of means to carry it on; and the disturbed districts, instead of being a resource to the Government, ravaged occasionally by each of the contending parties, became a heavy charge on the already overburdened finances.

The calls for money under such circumstances became more urgent, the paper was increased by fresh issues; silver disappeared, or was only to be procured at an enormous premium; while the long-expected relief from Europe seemed to be held firmer in his Majesty's possession as the wants of the colony became more pressing. The Government was obliged to draw bills on Holland, which were negotiated with difficulty and at a heavy sacrifice; but money was necessary for the subsistence of the troops, and the tardy

measures of the Government at home, left the colonial administration no other resource.

Thus, the whole aspect of affairs in Java became changed. The few earlier years of the Baron Van der Capellan's government had opened with much fairer prospects: a flourishing revenue; commerce active, both in the interior and exterior, under a moderate system of duties; the Natives rich and happy; while agriculture was extending itself; these were the fruits of a liberal policy, which, had it been left to work, would, under the peculiarly favourable position of these islands for commerce with the East and with Europe, have enriched the mother country, while it spread wealth, comfort, and civilization over these extensive regions.

But when will kings and governors learn their true interests!—to let their subjects and their trade alone, to follow the course of nature and events, instead of attempting to force and to lead them; to foster and encourage, and, without extortion, to be content with the fair dues of the state! A grasping and jealous disposition has, however, distinguished the Dutch in all ages; and here, a grinding system of taxation, combined with all manner of discouragement to enterprising settlers of other nations, possessing capital and industry, soon altered the face of affairs. There can be no doubt that his Majesty of the Netherlands and the European Government were the authors of the new system, opposed as it seemed to be to every liberal principle, as well as to the disposition of the Baron Van der Capellan. The object was, to engross for the Dutch nation the exclusive trade of their colonies, which they had neither the ability nor the industry to carry on properly. In the ardent pursuit of this engrossing and monopolizing spirit, his Majesty will gain his object of driving out the foreign settler, but he will acquire also a ruined and disturbed possession, a load of debt, a people dispirited and depressed by a series of misfortunes, and the total extinction of that commerce, which once diffused prosperity and cheerfulness through the most remote districts of this beautiful island.

The period of service of the late Governor-General expired in 1823, but was continued, at the desire of his Majesty, until 1825, when it became necessary, from the entire difference of opinion existing between the Java Government and the Ministry of the Colonies in Europe, to recall him. The orders to this effect arrived during the very height of the disturbances in the interior; they were, however, positive, and were carried into effect. Accordingly, on the 1st of January last, when the government was handed over to General Dekoek, a very worthy man, who assumed the title of *Acting Governor-General*, leaving it to be presumed that some other and superior authority would shortly appear to take the reins. The Baron Van der Capellan embarked early in February, on board one of the English East India Company's ships from China, to return to Europe after about ten years' absence; leaving behind

him a very general sentiment of respect and regard for his person and character, but, at the same time leaving the island itself in the most deplorable condition, politically and commercially.

The very same day that witnessed the Baron's departure, brought to Batavia a new authority, under the denomination of Commissioner-General, in the person of the Count Dubres Gesigneis, a half Fleming, half Frenchman, together with what was much more important and requisite, a supply of about five millions of guilders. The nature of the duties and powers of this Commissioner were the subjects of general speculation, and were soon known to be absolute and paramount. Immediately after his landing, a proclamation appeared from the Acting Governor and the Commissioner himself, conveying the intelligence that he possessed all the authority and power which his Majesty himself could exercise if personally present. Much interest was excited as his first measures began to be developed; but this interest was soon heightened, and added to one universal sentiment of indignation and astonishment among the poor colonists, when the character and description of the *reform* which he commenced came to be understood. It can scarcely be credited that such measures were the offspring of his Majesty's paternal care and solicitude for his colonial subjects, although positive reference is made in the proclamations to particular articles of the *secret* instructions of the King himself!

In the outset it was frankly avowed, that one of the principal objects of his mission was to economise; and he prepared all the civil servants of the island for the pecuniary sacrifices to which indispensable retrenchments would subject them. These it was notorious could ill bear reduction, for the Dutch civil servants are probably the worst paid in the world, considering the expenses to which they are inevitably subjected in the colonies, and the responsibilities of their posts. Their number, however, may doubtless be reduced with advantage, when the cumbrous system of forms and multiplicity of documents is changed, and a more efficient and simple procedure introduced. His first proclamation related to the currency, which, as already observed, was in the most miserable condition, overcharged with all sorts of paper. He regulated by the new measure the relative proportions and smaller denominations of each description of coin in circulation, which had been established previously upon a most incorrect principle, and the colonists were not even much startled at his reducing the Indian guilder, which was issued at thirty stivers, to twenty-four stivers, a more suitable proportion to the actual value of the coin, although a positive loss of six stivers to those who had exchanged their dollars originally for the guilders brought out by the first Dutch Commissioners. His second proclamation proved more satisfactory—calling in all the notes of one and five guilders in circulation, which were to be exchanged for silver. All this was beneficial; as

these notes amounted to about three millions of guilders, and such a measure might be supposed to relieve the currency to that extent. But the specie had not been ten days in circulation when it disappeared, from the united operations of hoarders and exporters, and soon advanced to fourteen and sixteen per cent. premium, leaving the community in as great distress as ever for small change. The third proclamation, as it related to another portion of the currency, began to show the cloven foot. Issues of pieces of Japan copper, of one and two stivers denomination, called *bunks* or *bungals*, which had been made by the former Government in time of demand for small change, were called in to be paid off—not by the nominal value at which they were issued, but by weight—namely, one guilder per pound, payable at the Treasury in *paper*, or *doits*, at the rate of 100 of the latter to the guilder, instead of 120, the regular and established usage. The loss of the public, by this most unjust and arbitrary proceeding, was forty per cent. at least to the holders of *bunks* in the first instance, and twenty per cent. more on the *doits*; a piece of dishonesty, which, as it affected principally the lower classes, nothing can justify, and which would have disgraced the reign of the French Marshall Daendels.

The Treasury notes, bearing nine per cent. interest, have already been mentioned. These were limited by proclamation to five and a half millions of guilders, but really exceeded six millions, about 500,000*l.* sterling. On a sudden a decree was issued bearing date the 27th of March last, by which the interest was reduced to *six per cent.*, without any alternative of payment to the unfortunate holders, as might naturally have been looked for, and as the very purport of the notes themselves gave grounds to expect. A more barefaced violation of every known principle of justice and good faith, on the part of the Government, never was attempted. The plea of necessity is not urged, nor did there exist any idea or means of paying off these notes: but, without notice or option, a man is compelled to take six per cent. or nothing, where the Government had *promised* him nine per cent. What guarantee has the holder that the next Gazette shall not reduce his six per cent. to three, and the following one to nothing? In fact, another *paring* of both principle and interest, immediately, and on the same date, followed this proclamation, which, professing to discharge these promissory notes and all other acknowledged claims on Government, offers the holders certain bonds called "*Amertisateer Syndicaat*," established in the Netherlands, which bonds bear four and a half per cent. in Holland, and are at present at the nominal price of ninety-four:—here is one and a half per cent. reduction of interest more, besides the six per cent. already taken off the principal!

Thus has *Dutch credit*, which once stood first amongst the nations of Europe, and has even very lately been considered next in character to that of Great Britain, been reduced, by the acts of King



William and his Indian Commissioner, to the very lowest state of degradation among civilized nations, by such acts as these, without the plea of necessity or distress being either made use of, or existing. A man may pay off his bond, or offer his creditor a new one, bearing a less rate of interest; but to justify the latter, he must be in a condition to perform the former act. Who ever heard of a man, in the midst of his embarrassments, coolly telling his creditor that, instead of paying him five per cent., he would only pay him three for the future? The latter, like Shylock, might justly here stand upon his bond, unless where the debtor, having the strong hand of power on his side, may, for a while, do as he thinks fit; as in the case of his Majesty of the Netherlands, a most legitimate prince.

We might instance numerous acts of oppression and injustice committed by the new Commissioner in the name of his Majesty, which seems used in these instances, like a certain virtue for which his nation has never been remarkable, to cover a multitude of iniquities! The calling out and drilling, in a vile climate, respectable European merchants to serve as militia, and mount guard as common sentinels, in order, we suppose, to save his Majesty the expense of maintaining a proper military force for such purposes; the refusal to receive, in payment for produce sold by the Government, the orders of its own Finance Department on an empty Treasury, many months unpaid; and a host of proceedings equally arbitrary and unjust, must have rendered the profession of the merchant as hazardous and disagreeable, as it has long been unprofitable and vexatious in the Dutch colonies, and will eventually draw all the active, industrious, and enterprising to abandon a country which they might, under a different system, have benefited and enriched.

A few years, perhaps months, will teach his Majesty that in setting at nought common honesty and his own credit, he has been pursuing a mistaken policy. When every year shall but add another million sterling to the debt of this colony, already amounting to nearly four millions sterling, a King, who understands book-keeping so well, may soon discover his profit and loss to be all on one side, and find that even his colonial subjects will no longer accept his promissory notes or *Syndicaat* bonds, when the credit of both is entirely gone. Let him take warning in time; and before his affairs get worse, as they certainly must do, if the present system be persevered in, let him endeavour to dispose of his Eastern colonies to the best purchaser that can be found. To England the possession of Java would prove of the greatest value; but England has more colonies than she can govern well already. Russia or Austria may perhaps be induced to venture on such a speculation, and thus relieve his Majesty from a burthen which he has neither the inclination to support, nor the ability to maintain and render productive.

M.

## UNPUBLISHED MANUSCRIPTS OF A TRAVELLER IN THE EAST.

## No. XIV.

*Armenian History and Religion—Greek Architecture and Sculpture—Excursion in a British Frigate to Fourla and Clazomene.*

DURING one of my investigating excursions through the interior of the city, in company with an Asiatic Christian, I was taken into one of the Armenian churches at Smyrna, where service was performing, and which we found very nearly resembling the Greek.

From the period at which Christianity was established in Armenia, by Gregory, surnamed the Enlightener, that nation has undergone various and turbulent revolutions. It was successively invaded and subdued by the Saracens, the Seljukian Turks, and the Tartars, who each committed their share of ravages. In 1472 it became a province of the Empire of Persia, in consequence of the promotion of one of its kings to the Persian throne. At length it was again conquered by the Turks under Selim the Second, in the sixteenth century, since which time the greater part of it has remained in subjection to the Ottoman Empire.

That amidst so many vicissitudes the Armenians should still persevere in the Christian faith, appears more remarkable than that they should deviate in some particulars from their original doctrines.

At the commencement of the seventeenth century a large colony of Armenians were settled in Persia by Shah Abbas, the Great. During his reign they experienced the most liberal treatment, and enjoyed the unrestrained profession of their religion. But his successors were not equally generous; persecution ensued, and the Armenian church declined daily in credit; yet the merchants of that country endeavoured to stem the torrent, and succeeded in the preservation of some degree of religious knowledge. The only books they have are on such subjects, principally bibles, liturgies, and the beatific visions of their saints, which are printed at Venice and Constantinople.

The Armenian was considered as a branch of the Greek church, professing the same faith, and acknowledging the same subjection to the See of Constantinople, until the middle of the sixth century. At that time, the heresy of the Monophysites (or disbelievers of the union of manhood and godhead

in Christ) spread far and wide through the regions of Africa and Asia, comprehending the Armenians also among its votaries. It seems, however, to be allowed, that they differed from other communions of the Monophysite sect in many points of doctrine and worship. By Gibbon they are called "the pure disciples of Eutyches;" he affirms that they believe the manhood of Christ to have been of a pure and incorruptible nature, and he imputes their conversion to Julian, Bishop of Halicarnassus, whose doctrines spread rapidly among the Oriental Christians.

They allow and accept the articles of faith, according to the councils of Nice, and are also acquainted with the Apostles' creed, which they have in use. As to the Trinity, they accord with the Greeks, acknowledging three persons in one Divine Nature, and that the Holy Ghost proceeds only from the Father.

In their rites and ceremonies of worship, the Armenians almost exactly resemble the Greeks, having pictures, tapers, &c. Their liturgies also are essentially the same, and written by the same authors.

The fasts observed annually in the Armenian church are not only more numerous, but kept with greater rigour and mortification than is usual in any Christian community. In addition to these, they fast on Wednesday and Friday throughout the year. Their seasons of festivity correspond in general with those of other churches, except that they commemorate the nativity of Christ on the 6th of January, instead of the 25th of December, celebrating in one festival his birth, epiphany, and baptism.

The favourite saints of the Armenians are Surp Savorich, or St. Gregory, Surp Chevorich, or St. Demetrius, Surp Nicolo, and Surp Serechis, or St. George, who is the patron saint of the Greeks.

When the Armenians receded from holding communion with the Greeks, they made no change in their episcopal form of church government. They only claimed the privilege of choosing their own spiritual rulers. Their chief Patriarch resides at the monastery of *Ekmiazin* near Erivan in Persia. His revenues are immense, but his opulence is considered only as a fund for his numerous charities, for though elevated to the highest rank of ecclesiastical preferment, he rejects all the splendid insignia of authority, and, in his ordinary dress and mode of living, he is perfectly on a level with the poorest monastic.

The superstitious veneration with which the Armenians regard the monastery of *Ekmiazin* is supported by legendary

miracles. The more devout make a pilgrimage there once in their lives, as a point of conscience, like the Greeks to Jerusalem, and the Mohammedans to Mecca, and receive a salutary benediction in exchange for offerings, which supply the splendour of the altar, and the maintenance of its numerous ministers and dependents.

In the Armenian church, as in the Greek, a monastery is considered as the only proper seminary for dignified ecclesiastics; for they are required to practise abstemiousness in proportion as they are advanced. Hence, though their priests are permitted to marry once only, and usually provide themselves with wives whose youth and health promise long life, their patriarchs and bishops must remain in a state of strict celibacy. It is likewise necessary that they should have assumed the sanctimonious exterior of an ascetic.

The monastic discipline of the Armenians is extremely severe; they neither eat flesh nor drink wine; and frequently continue in prayer from midnight to three o'clock in the afternoon, during which time they are required to read the Psalter through, beside many other spiritual exercises. But the abstinence and mortification of conventual ecclesiastics is surpassed by the Gickniahorè, or Hermits, who devote their lives entirely to contemplation, living on the summits of rocks!

At the beginning of the last century, the preaching of the Jesuit Missionaries at Pera was so successful in the conversion of the Armenian citizens of consequence, that their bishops applied to the Porte to procure their suppression, or at least to restrain them. When Ephraïm, the Armenian was telling the vizier of these encroachments of the Catholics, "And what," said he, "are Catholics but Infidels! if the hog be white, black, or red, it is nevertheless a hog! we will not interfere."

Of the Armenian clergy the situation is in general truly deplorable, as the chief part of their income arises from what we call surplice fees, in the exaction of which they are encroaching and importunate beyond measure. Their extreme ignorance, even of their own doctrines, is palliated, if possible, by their wretched and abject state.

A principal function amongst them is the reading prayers over the graves of the deceased, continued even for years, and many of those poor priests are seen daily so occupied in the Armenian cemeteries.

These mortuary compliments are singularly conducted. A widow, once a year, during her continuance in that state, visits the grave of her husband, attended by many relatives. After many querulous interrogatories and greetings of the deceased,

her grief becomes extravagant, her wailings are heard on all sides, and at length her compassionate friends propose comfort to her, when they finish this farce by a very solid repast, and plenty of excellent wine.

The Armenians exist no longer collectively as a nation, once famous for the luxury and wealth of its monarchs ; but successively conquered, and alternately subject to the Turks and Persians, they have scarcely the remembrance of their ancient kingdom. Dispersed over all Asia, they exert their natural genius for trade, principally in speculations as money-changers ; and individuals who acquire a handsome fortune prefer living peaceably in Turkey to returning into their own country. They are naturally formed for commerce—cunning among those they know, reserved with strangers, temperate from economy or avarice, and humble and accommodating for the sake of interest.

Their domestic manners are severe, and their persons, almost without exception, heavy and saturnine. The women, when young, are scarcely inferior to the Circassians or Greeks in beauty. The precaution that secludes them from that social intercourse with men, so contributory to the happiness of other nations, prevents their being professedly libertine ; yet instances of private infidelity are not wanting, although they are cooped up nearly like the Turkish women, and wear the mahriamah, or close veil. The proselytes to the Roman Catholic faith, however, of which there are many, partake more of the free manners of the Greeks. These are despised by the rigid Armenians, while the excommunication of the Pope is returned by the Catholics with the greatest cordiality.

Armenia no longer retains any vestige of its former splendour, and the inhabitants, miserable at home, or exiles from their country, can no longer retrace, even by its shadow, their ancient magnificence. Like the Jews, they suffer under a foreign dominion, and are forced to fly far from their homes and the tombs of their ancestors to escape a tyranny by which they have been oppressed for more than three centuries, and from which, alas ! there is but little hope of emancipation !

One of the greatest sources of gratification open to the man of letters here, independent of his library, is the casual intercourse with travellers of taste and learning who may happen to make a temporary visit to Smyrna. The number of these is generally considerable, as it is now a sort of head-quarters for travellers in the East. Among the most talented of those who have recently been here, were two sons of eminent architects, whose original intention, in visiting this country, was to improve themselves in their profession by a study of the ancient models on the spot ; but their unexampled success in the discovery of

valuable fragments of antiquity, while prosecuting their studies, induced them to become antiquarians, and to make that which was a secondary a principal pursuit. As they have been several years in this country, I shall say nothing of their early discoveries, but confine myself to their last and most important one of a temple at Phigalia in the Morea, nearly opposite to Zante.

I have been favoured with a sight of the drawings taken on the spot, combining views of this most interesting monument of ancient art, as it now stands, with detached drawings also of the interior frieze, which, from being scattered in fragments amidst the heap of ruins, have cost infinite labour and perseverance to unite, so as to form, by the succession of the different compartments, a continued series of subjects. From these, in their united form, the drawings I have seen were taken, previous to the removal of the marbles to Zante, whence they were afterwards sent on their way to Europe.

The temple is mentioned by Pausanias, as dedicated to Apollo, and yielding to none in Greece for beauty or extent, excepting only the celebrated Temple of Tegea, and, being of the age of Pericles, is conjectured to have received its ornaments from the hand of the immortal Phidias, an opinion justified in its utmost extent by the exquisite beauty of those fragments both in their design and execution.

The subjects of the frieze are evidently allusive to the battles of the Amazons, and the rape of Antiopë, and from the drawing itself, which is admired for its fidelity by those who have seen the original, one cannot but conceive a most exalted opinion of the sculpture. The strength of figure, grace of attitude, and expression of feature are worthy the highest effort of the Grecian chisel, circumstances which of themselves would be a sufficient reason for ascribing them to that inimitable master, but when combined with the situation and age of the temple, as mentioned by Pausanias, must remove every doubt, since it is known that the most celebrated monuments of Greece received their highest ornaments from his hands by the liberality with which he contributed to their embellishment through the arts of statuary and sculpture.

It was indeed in the age of Pericles that painting and sculpture first arose, under the hands of Phidias and Parænus his brother, according to the testimony of Pliny. Both arts are known however to have existed at an earlier date, but in the age of Pericles they first assumed their due honours. The inventive genius of man tried a new and nobler flight. The superiority of Phidias and his contemporaries obscured and almost obliterated the memory of their predecessors, and produced that sublime style of art which, having flourished about one hundred

and fifty years, decayed with the glory of Greece, and disappeared soon after the eventful reign of Alexander.

The few remains of marble, preceding the age of Pericles, give proof that the mere *executive* parts of sculpture had already attained a high degree of perfection. In many of these works, the minutest objects are finished with care, the muscles are boldly pronounced and the outline is faithful, but the design has more hardness than energy, the attitudes are too constrained to be graceful, and the strength of expression distorts the features to the destruction of nature and beauty.

The sculptors, Phidias, Polyclethus, and others of that period, together with the contemporary painters, Parænus, Zeuxis, and Parrhasius, softened the asperities of their predecessors, rendered their contours more flowing and more natural, and by employing greater address to conceal the mechanism of their art, displayed superior skill to the judgment and afforded higher delight to the fancy, in proportion as less care and labour were visible to the eye.

In the works of those admired artists, the expression was skilfully diffused through every part without disturbing the harmony of the whole. Pain and sorrow were rather concentrated in the soul than displayed in the countenance, and even the more turbulent passions of indignation, anger, and resentment, were so tempered and ennobled, that the indications of them became consistent with the sublimest grace, and most perfect beauty.

An inspection of the drawing only of the work in question, convinces the observer how strongly those characteristics are blended in the sculpture. The firm magnanimity of the Amazons, the ferocious cruelty of the Centaurs, and the imploring misery of Antiopé, and her female attendants, are most exquisitely depicted.

Intrinsically estimated, it would be a valuable acquisition to the lovers of Grecian antiquities and the admirers of ancient art, but as the work of Phidias, whose superior merit was allowed by the unanimous admiration of independent and rival communities, it is still more so. Intrusted by Pericles with the superintendence of the public works, his own hands added to them their last and most valuable ornaments, and even before he was called to this honourable employment, his statues had adorned the most celebrated temples of Greece.

The description of his Olympian Jupiter can never be read without a mixture of wonder and delight not easily expressed. His bronze statues of Apollo and Diana, in the awful temple of Delphi, his Venus Urania, and Parthenopean Apollo, with

other innumerable and inimitable works, silenced even the voice of envy.

The most distinguished artists of Greece—sculptors, painters, and architects—were ambitious to receive the directions, and to second the labours of Phidias, which were uninterruptedly employed, during fifteen years, in the embellishment of his native city.

During that short period we learn, from Plutarch and Demosthenes, that he completed the Odeum or Theatre of Music, the Parthenon or Temple of Apollo, the propylæa, or vestibule and porticoes belonging to the citadel, together with the sculpture and picturesque ornaments of these and other immortal works, which, when new, are said to have possessed all the mellowed beauties of time and maturity, and, when old, still preserved all the fresh charms and alluring graces of novelty. The Parthenon, which still remains at Athens, attests the justice of every praise that has been bestowed on his excellence, and is universally acknowledged to be the noblest piece of antiquity now existing in the world. The whole extent of the Acropolis too was so diversified by works of statuary and painting, from the chisel of his own and the pencil of his brother's hands, that, though six miles in circumference, it was one continued scene of elegance and beauty.

His admired statue of Minerva, the erecting of which served to consecrate the Parthenon, was certainly the greatest, and probably the last of that great master's productions, a work on which he seemed to have exhausted human genius. Cicero, Plutarch, Pliny, and Pausanias, had all seen and admired this invaluable monument of *piety* as well as art, since the Minerva of Phidias increased the devotion of Athens towards her protecting divinity. They who had seen and studied, could best describe such master-pieces of art, and every one who reads their descriptions will be unable to suppress a sigh of regret that they are swept away by the inundating torrent of barbarism, and, with the pictures of Zeuxis and Apelles, never again to be restored.

But enough remains, even in the fragments which have been now happily brought to light, to make us credit the most exaggerated praise bestowed on the perfection of art in Greece; enough remains, in the silent testimony of their productions of the chisel, to tell us they were a great and enlightened people.

Were it allowed to make the melancholy supposition that all the monuments of Grecian literature had perished in the general wreck of their nation and liberty, and that posterity could collect nothing further concerning them but what appeared from the Apollo Belvidere, the groupes of the Laocœon, and



Niobe, and other statues, gems, or medals, now scattered over Europe, what opinion would mankind form of the Greeks? How would they estimate their genius and character! Would it not correspond with the impression made by their poets, orators, and historians? or would it not, of the two, be the more forcible, as carrying with it demonstrative evidence to the senses of posterity?

The first observation that occurs on the most superficial view, and which is strongly confirmed by a more attentive survey of the ancient marbles, is, that the sculptors perfectly understood proportion, anatomy, the art of clothing without concealing the naked figure, and every thing indeed that could in any way contribute to the truth and justice of design as well as to the perfection of execution.

The comparative merits of their sculpture, painting, music, and poetry, might be carried very far, but it would be needless, since they are allowed to have been as perfect in their respective kinds, as the condition of humanity renders possible; and every hallowed fragment the learned have been able to collect of the Grecian chisel and the Grecian muse, must increase our regret at losing forever the pencil of Apelles, and the lyre of the divine Orpheus.

The English gentlemen remaining in the country to-day to recruit their fatigues of the chace, in which they were engaged on the previous day, we lounged away the morning in visits, and prevailed on one of the party to entertain some Greek families with his exhibition as a performer of sleight of hand, with which he readily complied, to the wonder and entertainment of all the Greek domestics, whose superstitious credulity was put to an extreme trial. As a singular coincidence of circumstances, he had scarcely finished his display, when a Turkish gipsy fortune-teller came to the door, to whom the ladies paid five paras each for the recital of their destinies. This woman was a Turkish outcast, brown as a Moor, unveiled, and covered with filthy rags. Her neck, arms, and even breasts, were deeply stained with cabalistic or magic characters of a blue colour, exactly after the manner in use among common sailors; and, from those characters, she pretended to read the fate of the applicant, who showed the lines of the hand at the same time, as is usual with the gipsies in England. As she spoke in the Arabic tongue, a Turkish servant, who understood it but very imperfectly, was our interpreter; this was turned into modern Greek by another; into French by a third; and then again into English, so that we could learn very little with respect to her predictions.

The captain of an English frigate, lying in the bay of Smyrna, having invited me to join a party in a cruize to Vourla

in his ship, I accepted it with much pleasure; and, after dining together at the consul's on shore, we all embarked with the captain at nine o'clock in the evening. Excellent arrangements were made for our accommodation, by cots slung in his cabin and in the gun-room, and after sitting up until a late hour with the officers on board, we retired to the berths thus provided for our repose.

At three A. M., the boatswain's whistle roused me from my sleep, and was followed by the hoarse summons—"All hands up anchor, a-hoy!" The crew were soon in motion, and the gun-room being also a scene of bustle from the turning out of the officers, there was little prospect of any of us being able to renew our slumbers, so that we obeyed the mandate with the rest, and went on deck. The day had hardly yet begun to dawn, the stars shone with unclouded brilliance, and the breeze was fresh off the land. The capstan was soon manned, the messenger brought-to, and all fair for heaving, when the sound of the mirth-inspiring fiddle operated like magic on the sailors' heels, and made them move with life and uniformity to its horn-pipe measure.

At sun-rise, the breeze died gradually away, and we were becalmed abreast of the castle of Smyrna, in the narrowest part of the channel. The *imbûl*, or sea-breeze, sprung up however rather earlier than usual, enabling us to work under all sail, and, after a most agreeable excursion, we anchored in the harbour of Vourla, about three P. M., being completely locked in by the small islands in the Gulf of Smyrna. Our early rising, and consequent fatigue, induced us to postpone our intended visit to the shore until to-morrow.

At five P. M., the gentlemen of the party sat down to the captain's table, with the addition of a lieutenant and a midshipman as guests; and to an excellent dinner and good dessert, were joined the best claret and champagne.

The evening passed on agreeably in general conversation, and after a cool walk on deck, we paid a visit to the officers of the gun-room, and finished the day in all that mirth and hilarity which characterise a gun-room party on board a ship of war.

At day-break, the principal number of our party were joined by some of the officers of the frigate, and landed on the main-shore for the purpose of shooting partridges. After breakfast, the captain, a traveller of distinction, the chaplain of the factory, and myself, went on shore to enjoy a ramble in the shade, and while the two former gentlemen loitered among the trees, I very willingly joined the chaplain in visiting the site of the ancient Clazomene.

Our walk from the place where we landed was partly along

the beach of the sea-shore, and from thence across a rugged hill, from the summit of which the view was extensive and delightful. My companion being a zealous botanist, we stopped very frequently to examine remarkable plants and shrubs, and those were interruptions of an agreeable tendency, as furnishing my friend an opportunity of descanting on his favourite study with profit and pleasure to us both.

We reached the scala, or landing-place, from whence the people of the country embark for Smyrna, about noon; and as it was the Mohammedan Sabbath, a great number of gaily-dressed Turks were assembled at the coffee-houses there, of which there were three in number. With respect to their observance of this day, they in some measure resemble the Catholics, by visiting the mosques in the early part of the day, and devoting the remainder of it either to pleasure or business, whichever has the strongest claim.

After taking coffee on the benches with them, we intended visiting Vourla, the Chytrium of the ancients, but abandoned that intention from the fear of not being able to return to the frigate before sun-set, and the great risk of health in sleeping on shore.

Procuring a Turkish boat, we crossed over to the island now called by the Turks "The Island of the Road," it being connected to the continent by an artificial peninsula built by Alexander the Great. The workmanship of the foundation must have been extremely solid; as, being near the water's edge, it is exposed to all the violence of breakers, even in moderate winds, the force of which it still withstands. We were desirous of landing on that part of the island connected to the main by this pathway, but our boatmen, who were the most unskilful that could be imagined, insisted upon taking us to the *port*, of which from the boat we could not perceive the slightest appearance. On nearer approach, however, the vestiges of a mole of masonry, or pier, were very visible, resembling a reaping-hook in shape, and forming a calm and smooth bason capable of containing, when closely moored, perhaps forty or fifty large boats or small vessels. It was built with its face extending seaward, to repel the wind setting into the Gulf of Smyrna from the Archipelago, and must have afforded excellent shelter. It was more, however, like a connecting peninsula level with the surface of the sea, and the breakers covering it had thrown the rubbish of its ruins inward, which had so choked up the port that our boat grounded twenty or thirty yards from the shore, to which we were carried on the shoulders of the Turks, who waded there with difficulty.

Tracing the shore along toward the north-east extremity of the island, ranges of building were to be seen on the beach, the

outer parts of which extended some distance into the sea, which appeared thus to have encroached upon the land. Of these buildings the inner walls retained three or four stones in height for their whole length, the blocks were large and well squared, and the workmanship excellent. The buildings themselves, too, were extensive, as might be gathered from their ground plan, still visible where the water was smooth, and, from their situation, were very probably the baths described by Pausanias\* and Livy.†

Ascending the hill, fragments of buildings were to be seen at almost every step, and the whole ground was covered with broken pottery, some pieces of which were of fine texture, and very highly glazed on the inside with a black coating; they appeared to be fragments of jars, vases, and vessels of religious and domestic use; the handles, lids, and bases of many of which were perfect.

On gaining the summit of the hill, which completely commanded the whole island, and particularly the port below, we found a level space of about two hundred yards in diameter, and nearly circular. In the centre were the foundations of large buildings, and on that side where the ascent was easiest, traces of steps were still visible; the hewn stones of many of them continuing still in range of line. About the outer edges of this platform were very massive unhewn stones, which might have formed the foundation of an outwork wall, as everything we saw induced us to conjecture that this eminence had been the Acropolis of the city, from the size of the foundations on its summit, and from its commanding situation.

We descended into the middle of the island, which is the lowest part of it, as its two most distant and opposite extremities are elevated promontories. From the supposed Acropolis to the bottom of the valley below, the ground was cultivated for corn by the very few Turks that resided on the island; there being not more than three dwellings on it at this moment, and those situated in different parts. Along the range of this valley, from the one shore to its opposite, were scattered fragments of an extensive pile of buildings, and many places had the appearance of having been opened in search of antiquities, but we could not hear of any traveller having been there for that purpose. Among these fragments were pedestals and shafts of pillars, some fluted and others plain, formed of a hard grey stone, not unlike granite; the pillars were upwards of four feet in diameter, and some of the broken pieces from fifteen to twenty feet in length; there were in number about ten. Among the ruins

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\* Lib. 7, c. 5.

+ Lib. 26, c. 44.

we found also fragments of cornices and mouldings of very excellent marble, and some few pieces of alabaster, not remarkable, however, for any excellency of workmanship, and which, of course, on that account we did not preserve.

This city of Clazomene was founded by the Ionians, A. U. C. 98, or 851 years before the Christian era. Some mention is made of it by Cellarius, vol. ii., pages 44 and 45, where the artificial peninsula of Alexander is described; Pliny v. cap. 29, and Strabo xiv., may be referred to on it; but it is more generally remarkable as the birth place of Anaxagoras, the astronomer, son of Hegesibulus, disciple of Anaximenes, and preceptor of Socrates and Euripides, as well as Themistocles and Pericles.

Abandoning his private concerns to the care of his friends, and refusing to mingle in the bustle of public life, he dedicated himself solely to the study of science, and considered the contemplation of the stars as the natural destiny of man. He travelled into Egypt for improvement, and used to say that he preferred a grain of wisdom to heaps of gold. About the second year of the seventy-eighth Olympiad, a meteoric stone fell near the river Egas, in Thrace. This circumstance induced Anaxagoras to believe that the superior regions, which he called æther, were filled with fire, and that the rapid revolution of this æther raised from the earth masses of stone, which, when inflamed, formed the stars of the firmament. Anaxagoras considered the sun as a mass of fire, or, according to Plutarch, an inflamed stone, greater than Peloponnesus. He ascribed the whiteness of the milky way to the native light of some of the stars. He regarded the comets as formed of a number of wandering stars. He was the first who wrote on the phases and eclipses of the moon; and anticipating, in his sagacious mind, the discoveries of the telescope, he taught that the moon was a habitable world, and contained seas, mountains, and valleys, like our own globe.

The attempts of Anaxagoras, to explain by natural causes the phenomena of the heavens, were regarded by the Athenians as attempts to subvert the influence of the gods, and the philosopher, along with his family, was proscribed as an enemy of the established religion, accused of impiety, and condemned to die; but he ridiculed the sentence and said it had long been pronounced upon him by nature. Pericles, his friend as well as disciple, interposed in his behalf, but the conversion of death to banishment, was the only mitigation of punishment which he had influence to procure.

He died in his seventy-second year, 428 B. C.; and being asked, during his illness, whether his body should be carried into his own country, he answered, No, as the road that led to

the other side of the grave was as long from one place as the other. When the people of Lampsacus asked him, before his death, whether he wished anything to be done in commemoration of him, he replied, " Yes! let the boys be allowed to play on the anniversary of my death." This, it is said, was carefully observed, and the time thus dedicated to relaxation was called, from that circumstance, *Anaxagoreia*.

Yet the birth-place of this daring and illustrious sage, whose mind could penetrate the gloom of surrounding darkness, and soar above the dreams of superstition, was now the habitation of a few obscure individuals, lost in mere than primitive ignorance and darkness.

Our boatmen, having waited for us, embarked us again on their shoulders, and we intended beating up to the frigate, but whether from fear or indolence I know not, they bore up, when we were half way across, for the *scala*, and landed us there about four o'clock.

Near to the place of our landing, on an agreeable eminence, a large tent was spread, around which the harem of some wealthy Turk, consisting of about twenty women, were enjoying the freshness of the breeze, unveiled, and with their long tresses floating in the wind. They were, however, too well guarded to be approached; nor, indeed, would such a measure have been safe, even if practicable.

The chaplain's horses and servant had just reached the coffee-house, from *Smyrna*, when we disembarked; we therefore rode them up abreast of the frigate, and making a signal with a handkerchief, soon had a boat sent us, in which we reached on board in sufficient time to join our friends at dinner.

The sporting party had no success to crown their fatigues, and were literally knocked up. Good wine, however, and cheerful company are excellent antidotes to dissatisfaction, and they had charms enough to render the evening both short and agreeable. We walked on deck until nine o'clock, and a visit to the officers of the gun-room closed the day.

## STANZAS.

I MARK'd thee in thy spring-tide years,  
 In hope's first ripening bloom ;  
 And little deem'd these mourning tears  
 Would moisten o'er thy tomb !

Then bright the lustre of thine eye,  
 And bright thy glowing cheek ;  
 And rarely would the pensive sigh  
 From thy glad bosom break !

But, ah ! thy morning visions pass'd,  
 Like summer flowers, away,  
 And misery made thee hope at last  
 An early burial day !

And now thou 'rt free from earthly care,  
 How calm thy weary breast !  
 The lowring phantoms of despair  
 Ne'er haunt thy dreamless rest !

How dreary was thy course of woe,  
 In penury to roam ;  
 Till heaven, in pity, found below  
 Thy dark and silent home !

The foes that blighted each brief joy,  
 And rack'd thy stricken breast,  
 May tramp thy turf, but ne'er destroy  
 Thy calm and silent rest.

Though wasting sorrow chill'd thy brow,  
 And wrung thy youthful heart,  
 No bitter woes can move thee now,  
 So tranquil as thou art !

Oh sleep, then, in thy lonely tomb,  
 Beneath the grassy sod,  
 Till Mercy, bursting through the gloom,  
 Shall lead thee to thy God !

R. M.

# ARGUMENTS FOR AND AGAINST CERTAIN CLAIMS ON THE DECCAN BOOTY.

IN our last Number we inserted, under the head of the 'Deccan Prize-Money,' (p. 574,) some observations on certain changes as to the mode of distribution, which were said to have been accomplished by the influence of Sir John Malcolm. We stated these to be among the *rumours* current in Indian circles, and added, that the particular changes mentioned by us, were *believed* to rest on authentic grounds. As the subject has excited great interest, we have been addressed and consulted on it from more quarters than one; and the result proves, that the rumours were indeed well-founded, that the changes mentioned have actually taken place, and that, as far as the facts of the case are involved, there is no room for doubt on the matter. There are, however, to this, as to almost all other questions, two parties; and wherever there are two parties, we think that both have a right to be heard; though we are aware that this is not Sir John Malcolm's doctrine. The sources from which we derived our first information thought the changes unwarranted, and we have given the reasons on which that construction of them was grounded. The sources from which we derive our present information conceive the changes justified both by reason and military usage; and, as our professions of attachment to free discussion are not empty words without a meaning, we shall let the other parties be heard also, and be ourselves the medium of conveying their sentiments to the world, though opposed to those with which we were first furnished, accompanied with the grounds of their adoption.

It appears that the points on which a difference of opinion still exists, have been for a long time past the subject of dispute between opposing parties; that the claims of Brigadier-Generals to share Prize-Money according to their rank as Brigadiers, and not as Colonels, had been preferred at a very early period of the discussion; and that among the first who opposed these claims was Sir Rufane Donkin, himself a General Officer who had served in India. This again led to the re-assertion of the Brigadiers' claims by Sir John Malcolm; and those who entertain similar views with himself, consider the following reasons, as urged by him, to be conclusive in favour of the claims in question.

It appears that the East India Company's Government abroad has, on occasions of emergency, and when the service of the state seemed to require it, exercised a right originally supposed to belong only to his Majesty—that of appointing Brigadier-Generals from Colonels of the Army in India. This right, it is said, has been so frequently exercised without dispute, as to have become established



by prescription ; and accordingly, it is contended, that if the Company's Government can nominate Colonels of regiments to such appointments, the Commander-in-Chief of the Indian Army can, and in point of fact does, grant King's *commissions* for such rank to officers thus appointed. The right of the Indian Government to nominate, and of the Commander-in-Chief to grant the corresponding commission, being admitted, the commission of Brigadier-General is lawfully obtained, and, it is contended, carries with it a claim to all the rights and privileges of that rank, as long as the individual holding it may possess the commission by which his rank is determined,—this commission, whenever granted by the Commander-in-Chief in India to a Company's officer, being the same in effect and value as any commission granted under the sign-manual of his Majesty to an officer in the King's army. The Brigadier-Generals nominated by Lord Hastings in 1817, were therefore lawfully appointed, and fully entitled to all the privileges of their rank.

Thus far the advocates of their sharing as Brigadier-Generals, and not as Colonels. But, in opposition to the construction placed on this argument by those who use it, we may be permitted to re-quote the passage from the 'King's Regulations,' page 5, which says, "Officers serving on the Staff in the capacity of Brigadier-Generals, are to take rank and precedence from their commissions as *Colonels in the Army*, and not from the date of their appointments as Brigadier-Generals." It is plain, therefore, from this, that admitting Brigadier-Generals to be entitled by their commissions as such to all the privileges of their *rank*, their rank is here determined to be that only which is given them by their commissions as *Colonels in the Army*, and not as Brigadier-Generals, which is a temporary appointment on the Staff, made confessedly in cases of emergency, and for particular services, and therefore not carrying along with it any additional claims similar to those which belong to the regular promotion of Major-Generals, Lieut.-Generals, and the higher departments of the General Staff of the Army.

The rules for the distribution of prize are fixed in the King's service ; but these have not always been adhered to in India ; and on that ground it was that the Treasury-warrant, issued on occasion of the Deccan Prize, directed that Indian usage was also to be considered as entitled to consideration by the Trustees. It is admitted, however, that Indian usage cannot be adverted to as a precedent in this case ; because, in the Mysore war of 1799, and the Mahratta war of 1803, there were no Brigadier-Generals either appointed or employed. But it is contended, that the usage of the King's army in Europe is clearly in favour of the claims set up ; as in the campaigns of the Netherlands, Egypt, and Spain, Brigadier-Generals, who were appointed on the spur of the occasion, shared with the Major-Generals employed in the same service and in the same campaign. If the instances were given, the argu-

ment drawn from these precedents would be very strong ; but with these we have not been furnished.

It is said also, that at Seringapatam, Generals Floyd and Stewart had higher shares given them than other Major-Generals of the same rank with themselves ; and from this is inferred the acknowledgement of this one principle : that where one officer of a certain rank has a greater responsibility than another officer of the *same* rank, he is entitled to a larger share of booty. We can hardly conceive a more dangerous principle than this to be admitted into any army ; for as the degree of responsibility must be always difficult to define, it would open the door to the greatest abuses of favouritism in distribution, and be a source of endless jealousies and contentions. An officer's rank can be determined to the date of a day, without the possibility of cavil or dispute. The shares belonging to that rank can also be easily settled, either by reference to specific regulations or undoubted usage. But " responsibility " is so indeterminate, that one Brigadier with 2000 men, sent to guard an important pass, may conceive a heavier load of responsibility to lie on his head than on that of another Brigadier-General sent with 20,000 men to besiege a fortress ; because more may depend on the result of certain duties under the charge of a mere handful of men than on larger operations under the execution of thousands. It matters not, therefore, in questions of claim to prize, whether a Brigadier-General commanded 2000 men or 20,000—whether he had to conduct sieges or to guard ravines—whether he never came into action at all, or whether he alone was the only man of his division that escaped. The rules of distribution are plain. A Commander-in-Chief has a certain rank, and according to that *rank*, a certain number of shares ; a Brigadier-General has also a certain rank, (which the ' King's Regulations,' already quoted, declare to be determined by the date of his commission as a Colonel in the Army, and not by that of his commission as a Brigadier,) and according to that *rank*, he also is entitled to a certain number of shares ; but this is without any reference to comparative responsibility, a thing that cannot be measured, and which is ever varying, since it will sometimes happen that more responsibility rests on the head of a sentry at his post, and more mischief may arise from his neglect than from the destruction of a whole brigade, Brigadier-General and all : and we know that in the Navy, the Admiral who sleeps quietly at Portsmouth, and has no responsibility whatever in many of the actions that are fought, receives a much larger share than those who fight the battles, or on whose head the whole conduct of distant expeditions rests.

Thus much for the claims of the Brigadier-Generals to share as Major-Generals, and for the reasons on which those claims are founded ; reasons which, we confess, appear to us to weigh but little against the positive and known law which assigns to all officers

shares according to their *rank*, and which makes the rank of Brigadier-Generals to be no more than that given them by their commissions as *Colonels in the Army*, which is unaltered by their commissions as Brigadiers. Their rightful share of prize would, therefore be a step *below*, instead of a step above their Brigadiership; and the ingenuity which could thus step over the intermediate stage, and advance a Colonel to share with a Major-General, deserves to be admired accordingly.

On the other point, the right of Political Agents to share generally in the prize property taken by *all* the divisions, the following facts and arguments have been urged: That Sir John Malcolm was appointed by Lord Hastings, in May 1817, to act as Political Agent to the Governor-General at the head-quarters of Sir Thomas Hislop; in which appointment, however, he was called "Colonel" Sir John Malcolm, that being the rank he then held, though placed on the general staff of the Deccan army in his military capacity; and that, in consequence of this political appointment at head-quarters, he belonged equally to *all* the divisions, and had a right to share in all their captures, wherever made, and however little he might have had to do with the division engaged. The law or regulation upon this subject is not cited, but the following precedent is quoted: it is said, that in the campaign of 1803, when Major-General Sir Arthur Wellesley was employed against the Mahrattas, Sir John Malcolm, then a Major in the Madras army, but having no military appointment in the force serving under General Wellesley, was appointed to act as Political Agent at his head-quarters. A doubt then arose it would seem, as to whether Political Agents (who are as often, it must be remembered, civil servants as military ones) were really entitled to share prize money, and if so, in what rank. The Major-General, Sir Arthur Wellesley, on this occasion, referring to the precedent of Captain Sir John Kennaway, who occupied a similar post as Political Agent at Seringapatam, under Lord Cornwallis, recommended to the Supreme Government of India that Major John Malcolm should not only share as a mere Political Agent, but that his share should be that of a Colonel, or one step above his actual rank; a recommendation that was confirmed by the Governor-General of the time, who admitted that *Captain* Sir John Kennaway had drawn, on the occasion adverted to, a *Lieutenant-Colonel's* share, and therefore *Major* John Malcolm was entitled to the same. If the precedent was worth anything, it would have shown that a Captain taking the share of a rank *two* steps above him, a Major was fairly entitled to *two* steps advance also, and not merely to the *one* step next above him; so that Sir John Malcolm was not treated fairly, or Sir John Kennaway was treated too well. But thus it is in the army, as well as elsewhere, that one *bad example* becomes at length an authority, and is adopted as *good law*; as if, because certain persons came to an unjust decision on some former occasion, therefore, this unjust decision is for ever after to be adhered to.

We have now, however, given to the arguments on both sides our impartial attention ; and we must candidly confess, that, being unbiassed by interested or any other views to either the one side or the other, we think the parties opposing the claims of the Brigadier-General and Political Agent to have more reason on their side than those advocating them. It is not this, however, that will decide the question. To have the ear of those who sit in judgment is worth a thousand reasons of the best kind that can be produced : and although the same scenes do not occur here, that are said to be common in Asia, where the most acceptable present will turn the balance, yet the highest individuals in England are no more exempt from the operation of secretly influential causes than the people of any other race or country ; as the history of every day's experience of public men and public measures sufficiently establishes.

But after all, the most painful part of this affair is to see men, who have already more wealth than they can enjoy, worrying themselves and their friends to death, with disputes about money, money, money—as if this were the *only* thing on earth worth contending for. That a man in the situation of Lord Hastings, whose pecuniary embarrassments have been and still are a source of continual mortification to him, should betray a little anxiety on a question, the issue of which might relieve him from a painful burthen, would not have been to be wondered at : and yet, no such anxiety *has* been manifested by one who needed money most. That an individual also, who had been plundered of all that an industrious life had enabled him to lay up for his children and his old age, should now and then betray impatience under his sufferings and privations, ought not to excite surprise. But that such men as Sir Thomas Hislop, Sir John Malcolm, and others, who have more than enough to make the remnants of their lives as happy as *wealth* at least can make them, should be in a continual fever of apprehension, lest they should not be able to place their actual grasp on all that their imaginations already pictured as flowing into their coffers, presents a spectacle as humiliating as it is mortifying to the pride of our nature. When will the contention be, who shall sacrifice the largest portion of their wealth, their labour, and their time, to give back to the inhabitants of India, in happiness and improvement, some poor return for the fortunes which they have drained from their very vitals—instead of who shall draw most from their already exhausted veins ? The Deccan booty and the Bhurtpoor treasure, the Poonah capture and the Burmese compensation, are talked of as coolly as though they were heaps of jewels accidentally found on the surface of the earth, without any claimant or owner, and without their seizure and abstraction causing pain to a single individual. Those who know any thing of Asiatic Governments (and of this the parties in question cannot pretend to be ignorant) must know that every rupee found in the treasury of

a Native prince has been wrung from the labour of those who toil that their rulers may be enriched; they know that it has been exacted by a taxation which knows no limits but the capacity of the victim to pay. If they went into any country even as conquerors, and found the whole surface of the earth burnt up because the prince had diverted all the streams as well as the ruins of heaven into an immense reservoir merely to water his own garden, and the people without sustenance in their fields, though the prince's garden was full of luxuriant fruits, they would, no doubt, cause outlets for this water to be dug, and send it forth over all the land, fertilize the soil, reserving only sufficient to make the <sup>2317</sup> ~~prince's~~ <sup>2318</sup> ~~portion~~ <sup>2319</sup> ~~as fertile as the rest.~~ Now, when they enter a capital and find a large treasure amassed by the prince, and the whole country impoverished by the vastness of his hoards, the letting out of these, to be distributed again among the people from whom it had been plundered, would be like letting out the dammed-up water. It would occasion the same fertility, and equalize the general prosperity, while sufficient might still be left for all the purposes for which the prince could rationally require it. What, however, is the conduct of the conquering English, the most humane and enlightened invaders (if you will take *their* word for it) that the world ever saw? It is this: they let out the water, because it is of no use to them, as they cannot fill their purses with it, and they do not intend to pass their lives in the country themselves. But the silver and gold, which the prince has equally diverted from the enjoyment of his people, and at the expense of as much torture and suffering as the mind can well conceive, these humane and enlightened English seize upon and take away; they are all unanimous about this: that it is a fair booty and ought to be carried off, however much they may afterwards quarrel about the proper portion due to each. If the prince was an unjust and unfeeling robber in plundering his *subjects* of all the fruits of their labour, and leaving them nothing to make existence supportable, (and on this plea we very often go to their assistance, on the pretence of relieving them from such horrible oppression,) what are the English, who, in their turn, also plunder *him*; and instead of returning the treasure so amassed, to be divided among the poor and famished wretches from whom it was originally taken, carry it off to be divided among men who have already more than enough, to build fresh palaces and create new enjoyments for brigadier-generals, political agents, trustees, lawyers, *et hoc genus omne*? The prince plundered his people by ancient prescription and established usago, as well as by the right of the strongest. The English plunder both prince and people by the last alone. If he is *just* in what he does, on what possible pretence can we go to deprive him of his justly-acquired gains? If he is *unjust*, are not those who divide among themselves the fruits of his injustice equally guilty? It is really such a violation of all moral justice, that the mind shrinks from its contemplation, and wonders how any degree of prejudice, engendered by education and habit,

could reconcile "honourable men" to such a mode of obtaining fame and fortune.

There are, at this moment, no doubt, in England, ten thousand individuals who owe all their wealth and their importance to India, and who, with the very few exceptions of merchants, practising physicians, and lawyers, have derived it solely from the revenues exacted from the oppressed and over-taxed people of that unhappy country. It would be no exaggeration to suppose that the incomes enjoyed by these 10,000 individuals, estimating them at an average of only £900 a year each, amount to ten millions sterling. Now, if these individuals would only impose on themselves a voluntary income tax of 10 per cent., (the proportion in which the Natives of India have contributed toward the accumulation of *their* fortunes being nearer 90 per cent. of their labour and gains.) a fund of one million a year might be raised for the improvement of the country from whence they derive their all—to which they are indebted for every thing they possess. This would be but a slight return, were it even continued through life. But it would be something if they would only make this voluntary sacrifice to Gratitude for *one* year. If but one million sterling were raised, the interest of that sum, in perpetuity, would furnish an able and intelligent band of advocates for India in Parliament, would establish an Association or Institution with branches in every town in the kingdom, and would excite an interest in the fate of our Asiatic subjects throughout every village in Great Britain, such as the country never yet saw, and such as no opposing power could long successfully resist.

If the contention were, who should pay to such a fund as this according to the rank of a Brigadier, and who according to that of a Major-General, we should applaud the generous effort to pass from the lower to the higher rank. But in such a contention as that to which it has been our painful duty to advert, there is nothing to endear the name of the living or embalm the memory of the dead—no one association that can rouse up agreeable or generous recollections—where all is heartless, selfish, unsympathising, and cold.

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#### STANZAS

*Written after reading the Fourth Canto of 'Childe Harold.'*

FAREWELL! but not for ever, say farewell,  
 High-minded Pilgrim, Rome's and Virtue's friend;  
 Still, still, on fair Italia's sorrows dwell,  
 Her laurels rear, her bleeding fame defend:  
 The Spartan's epitaph is not for thee;  
 And Rome shall fall! when Byron's fame will blaze!  
 Some soul congenial—if such e'er can be—  
 In future ages shall adorn thy bays,  
 As thou hast Tasso's, with immortal lays.

Where are the "Men of Rome!" the grand of soul!  
 The intellectual masters of mankind!  
 Who bent a subject world to their control—  
 Where, but within thine ardent kindred mind?  
 Beneath the vivid magic of thine eye,  
 Egeria's grot assumes celestial hues;  
 Beneath th' ennobling influence of thy sigh,  
 Love, purest Love, its ancient form renews,  
 And lives depicted by thy pensive muse.

Venice, declining Venice, though decay  
 Had sunk thy walls beneath the ocean's bed,  
 Wert thou not named in one poetic lay,  
 Save Harold's—thou wert rescued from the dead;  
 His name would raise thee, flaming in his verse,  
 Above the reach of envy or of time;  
 For 'twas his pride thy glories to rehearse,  
 Thy ancient deeds and energies sublime,  
 Thou wert the "city of his heart," the mistress of his rhyme.

Oh! mighty champion of the antique world!  
 Friend to the shades of heroes! does thine eye  
 View, with a tear, the sacred relics hurl'd  
 Around the plains of wither'd Italy?  
 The wild commixture of three thousand years!  
 Her statues, temples, arts, all mould'ring laid,  
 Unto thy penetrating glance appears  
 Less mournful than the human mind decay'd,  
 Italia, lost Italia's sons, in slavery's garb array'd.

Thy tuneful Ariosto's, Petrarch's shade,  
 With all the spirits of the free and wise,  
 Shall round thy laurel crown the wreath embraid,  
 "They keep his dust in Arqua, where he lies;"  
 Say not Farewell, then, Poet of the Soul,  
 Still mend the world with thy instructive page,  
 Still let thy heaven-dictated numbers roll,  
 \* The condensed mental vigour of an age;  
 All that the raptured soul can raise, or bleeding heart assuage.

Sublimity's enraptured Child! farewell!  
 Lorn, tearful Bard! impassion'd Muse, adieu!  
 The heart on Harold's pilgrimage shall dwell,  
 And crown his bust with wreaths of every hue:  
 Immortal minstrel! still the feeling heart  
 Shall throb with rapture at thy chasten'd lay;  
 Shall linger o'er thy page, and sigh to part—  
 Still, at the word Farewell, shall weeping say,  
 Romantic Poet of the heart! oh, deign with us to stay!

## THE OLDEN TIME.—No. I.—MILTON'S AREOPAGITICA.

*To the Editor of the Oriental Herald.*

SIR,

August 19, 1826.

I WAS surprised to observe, on looking back to your fifth volume, (p. 647,) that so many more months than I had designed had elapsed since the date of my promise, without any attempt towards the performance. Your pages have, indeed, been occupied by very modern subjects of no small interest; while I have had engagements also connected with the time present. I will, however, no longer delay to glance, as I proposed, at the time past. Nor can the undertaking be commenced more according to my own inclination, or more in unison with the liberal tendency of your work, than by noticing an edition of that justly-admired production which furnished, with so much propriety, the first sentence to your first volume.\*

SENILIUS.

‘Areopagitica: A Speech of Mr. John Milton, for the liberty of Unlicensed Printing, to the Parliament of England. First published in the year 1644. With a preface by another hand.

‘This is true Liberty, when free-born men,  
Having to advise the Public, may speak free,  
Which he who can and will, deserves high praise;  
Who neither can nor will, may hold his peace;—  
What can be juster in a state than this?’

EURIPID.

‘London: Printed for A. Millar, at Buchanan’s Head, over-against St. Clement’s Church, in the Strand, 1738.’

Before I describe what is peculiar to this edition, it is worthy of remark, that Milton has borrowed his highly appropriate motto from a passage in *The Suppliants*, where the poet, to display the advantages of a democracy over a monarch’s domination, introduces a dialogue between Theseus and a Theban Herald. The latter having boasted of belonging to a city, ruled, like Indian cities under the discretion of Leadenhall-street Directors, by one man only, not by multitudes, Theseus replies, concluding with Milton’s quotation:

“—— Where’er no laws exist that bind  
The whole community, and one man rules,

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\* “Though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously, by licensing and prohibiting, to misdoubt her strength. Let her and Falschood grapple; who ever knew her put to the worse in a free and open encounter?”—MILTON’S AREOPAGITICA.



Upon his arbitrary will alone  
 Depend the laws, and all their rights are lost.  
 But under written laws, the poor and rich  
 An equal justice find; and, if reproach'd,  
 They of low station may with equal scorn  
 Answer the taunting arrogance of wealth;  
 And an inferior, if his cause be just,  
 Conquers the powerful. This too is a mark  
 Of freedom, where the man who can propose  
 Some wholesome counsel for the public weal,  
 Is by the Herald called upon to speak.  
 Then he who with a generous zeal accepts  
 Such offer, gains renown; but he who likes not  
 His thoughts to utter, still continues mute.  
 How can a city be administer'd  
 With more equality?"

I quote these lines from the *Euripides* of that accomplished scholar, Michael Wodhull, who, though born to the advantages of aristocratic fortune, was a uniform and enlightened asserter of popular rights. Like Milton, he would translate such a passage *con amore*, as all will readily agree who had the advantage of knowing the author of the poem on 'The Equality of Mankind.' I return to the title page.

The *Arcopagitica* has, deservedly, passed through so many editions, as to be in the grateful recollection of all the liberal-minded, all

"Who know their rights, and knowing, dare maintain."

I shall, on this occasion, decline to quote any part of that work, but would rather offer my best services to give a more extended circulation to the noble sentiments contained in the 'Preface, by another hand,' which introduces this edition, published, with no small local propriety, where *Buchanan* appeared as the presiding genius. That preface is now ascertained, on good authority, to have been written by the poet Thomson. The author of *Liberty*, which that *monarchist*, Samuel Johnson, says he "tried to read," but "soon desisted and never tried again," is not yet, I apprehend, from the inattention of his biographers, or their want of information, generally known as an excellent prose writer and an enlightened politician.

It is peculiarly to be regretted that this republication of the '*Arcopagitica*,' by Thomson, was unknown to one, especially, of his biographers, who had not failed to do that justice to the free and manly sentiments, soon to be quoted from the Editor's Preface, which he has done to another of his productions. It is the Earl of Buchan to whom I refer, who published, in 1792, an 'Essay on the Life of Thomson.' He deems it "no wonder that when the brutal Johnson tried to read '*Liberty*,' when it first appeared, he soon de-

sisted." The design and merit of that poem he thus describes (p 214) :

" But the highest encomium of Thomson is to be given him on account of his attachment to the cause of political and civil liberty. A free constitution of government, or, what I would beg leave to call, the *autocracy* of the people, is the panacea of moral diseases, and, after having been sought for in vain for ages, has been discovered in the bosom of Truth, on the right hand of Common Sense, and at the feet of Philosophy ; the Printing-Press has been the dispensary, and half the world have become voluntary patients of this healing remedy.

" It is glorious for Thomson's memory that he should have described the platform of a perfect government, as Milton described the platform of a perfect garden : the one in the midst of Gothic institutions of feudal origin, and the other in the midst of clipped yews and spouting lions."

It is the more surprising that Lord Buchan had not been aware of a piece so entirely to his taste as Thomson's 'Preface,' since there had been published, in 1780, by Archdeacon Blackburne, 'Remarks on Johnson's Life of Milton.' To which is added, 'Milton's Tractate of Education and Areopagitica.' To the 'Areopagitica' is prefixed the 'Preface' by Mr. Thomson, to whom, it is also attributed in an enumeration of "the dates of Milton's prose works."

Mr. Holt White, a gentleman with whose liberal principles and literary accomplishments I have been long acquainted, and who is attached to the character of Milton, both as a poet and a politician, published, in 1819, an edition of the 'Areopagitica ; with Prefatory Remarks, Copious Notes, and Excursive Illustrations.' He has republished this 'Preface' as written by Thomson, and confirmed his opinion by quoting the following note, written in a copy of the 'Areopagitica,' by that distinguished patriot, Thomas Hollis :

" This matchless 'Speech,' composed of noblest learning, wit, and argument, was republished, in 1738, with an excellent Preface, by Thomson, author of 'Liberty,' a poem, and other works."

• Dr. Joseph Warton, in his edition of Pope's works, says:—"The liberty of the Press was about this time (1738) thought to be in danger ; and Milton's noble and nervous discourse on this subject, entitled 'Areopagitica,' was reprinted in an 8vo. pamphlet, with a Preface by Thomson, the poet."

To the Government of George II. had certainly been attributed, a few months before this republication of 'Areopagitica,' the project of a general censorship ; such, at least, that acute politician, Lord Chesterfield, considered as the intended result of the Lord Chamberlain's censorial authority to control the stage, conferred by

an Act passed in June 1737. This Act is still in force, and has been, on some occasions, in vexatious exercise.

In his speech now before me, as preserved in 'The History and Proceedings of the House of Lords,' (1742, v. 211,) Lord Chesterfield having censured "the Bill" as a most arbitrary restraint on the liberty of the stage, "the only place where courtiers, too polite to reprove one another, can meet with any just reproof," adds, "I fear it tends towards a restraint on the liberty of the Press, which will be a long stride towards the destruction of liberty itself." He proceeds to declare that "every unnecessary restraint on licentiousness is a fetter upon the legs, a shackle upon the hands of liberty. Licentiousness," he adds, "is the alloy of liberty; an ebullition, an excrescence, a speck upon the eye of the political body, which I can never touch but with a gentle, with a trembling hand, lest I destroy the body, lest I injure the eye upon which it is apt to appear."

Lord Chesterfield was probably aware of some courtly designs, happily frustrated, which were never recorded in the public history of that period, for he thus sounds the alarm: "If we agree to the Bill now before us, we must, perhaps next session, agree to a bill for preventing any play's being printed without a licence. Then, satires will be wrote by way of novels, secret histories, dialogues, or under some such title; and, therefore, we shall be told, what! will you allow an infamous libel to be printed and dispersed only because it does not bear the title of a play? Thus, my Lords, from the precedent now before us, we shall be induced, nay we can find no reason, for refusing to lay the Press under a general licence, and then we may bid adieu to the liberties of Great Britain."

In the 'Old Whig,' No. 77, (1739, ii., 224—226,) written about this period, there is also an allusion to "the project of restraining the Press," and the writer justly inquires "to whom must the care and oversight of it be committed?" "Shall we trust it with ecclesiastics? What may then be expected? Why, that every thing will be prohibited, right or wrong, that contradicts their favourite creeds, and ambitious thirst after power. Shall we trust it with politicians? Yes! if we think it advisable that all books and writings should be suppressed, that do not suit the complexion of courts, and an iniquitous *Machiavelian* craft. The consequence therefore is plainly this, that if we undertake to restrain the liberty of the press, as the world is at present governed, we must destroy it altogether. Either the press should be entirely restrained, or universally free; mankind should be either allowed to improve their knowledge in all points, so far as their faculties will reach, or be reduced and confined to a state of total stupidity and barbarism."

Returning to the *preface*, from the subject of which I have in-

deed scarcely digressed, I find the author declaring it "impossible to produce better arguments," than those proposed by "the divine Milton," in his "admirable defence of the best of human rights, or to set them in a more convincing awakening light." Thomson proceeds to describe "the absolute freedom of the press" as "the only preservative" against "universal ignorance, darkness, and barbarity," and consequently as "the most dear and valuable of all the privileges that Government is designed to protect;" supposing it to be "the end of Governors and Government, to diffuse, with a liberal unsparing equal hand, true rational happiness," and not "to make the bulk of mankind beasts of burden, that a few may wallow in brutish pleasures." After applauding the saying of Alfred, "a truly good king of England," that "a people have liberty, when they are free, as thought is free," and that definition of a state by *Alcæus*, which Sir W. Jones has immortalized in our language, the preface thus proceeds: "What is it that distinguishes human society from a brutish herd, but the flourishing of the arts and sciences; the free exercise of wit and reason? What can Government mean, intend, or produce, that is worthy of man, or beneficial to him, as he is a rational creature, besides wisdom, knowledge, virtue, and science? Is it merely, indeed, that we may eat, drink, sleep, sing, and dance, with security, that we choose Governors, subject ourselves to their administration, and pay taxes? Take away the arts, religion, knowledge, virtue, (all of which must flourish or sink together,) and, in the name of goodness, what is left to us that is worth enjoying or protecting? Yet take away the liberty of the press, and we are, all at once, stript of the use of our noblest faculties: our souls themselves are imprisoned in a dark dungeon: we may breathe, but we cannot be said to live."

Referring to the barbarous anecdote of "certain Scythian slaves" who "had their eyes destroyed, that they might work the harder," Thomson remarks, that "to extinguish human understanding, and establish a kingdom of darkness, is just so far more barbarous than even that monstrous cruelty, as the mind excels the body; or as understanding and reason are superior to sense." When Rich-lieu in his 'Political Testament' declares that "a people possessing knowledge, sense, and reason, are as monstrous as a beast with hundreds of eyes," and which "will never bear its burthen peaceably," and thence concludes, that "it is impossible to promote despotic power, while learning is encouraged and extended;" the author of the preface commends this "plain dealing and consistent politics." He opposes it to the pretences of those who "talk of liberty and free government, public good and rational happiness, as requiring limitations on the press, and licences of books," language "as absurd as to speak of liberty in a dungeon, with chains on every limb. Hobbes too," he adds, "was consistent with himself, and advises those, who aim at absolute dominion, to destroy

all the ancient Greek and Latin authors ; because if those are read, principles of liberty, and just sentiments of the dignity and rights of mankind must be imbibed."

I know not to what passage Thomson here refers, or in what part of his works Hobbes has, in direct terms, proposed this *anti-classical* counsel. It is, however, by no means at variance with his recorded opinions. Thus, in his '*Elementa Philosophica, De Cive*,' at cap. xii. *De causis internis civitatem dissolventibus*, speaking of tyrannicide, he thus complains of the Greek and Roman *anarchists*, by whom it was not only allowed, but applauded: "Ab omnibus sophistis, *Platone, Aristotele, Cicerone, Seneca, Plutarcho, cæterisque Græcæ et Romanæ anarchiæ fautoribus* non modo licitum, sed etiam maximâ laude dignum existimatum est." Again, in his '*History of the Causes of the Civil War of England, from 1640 to 1660*,' he thus accounts for the opposition offered by the leading members of the Long Parliament to the arbitrary designs of Charles: "There were an exceeding great number of men of the better sort, that had been so educated, as that in their youth, having read the books written by famous men, of the ancient Grecian and Roman commonwealths, concerning their politic and great actions; in which books the popular government was extolled by that glorious name of liberty, and monarchy disgraced by the name of tyranny, they became thereby in love with their forms of government; and out of these men were chosen the greatest part of the House of Commons; or if they were not the greatest part, yet, by advantage of their eloquence, were always able to sway the rest."

Before I quit the subject of Hobbes, I cannot forbear to quote from his autobiography entitled, "*Thomæ Hobbes, Angli Malmshuriensis Philosophi vita*," (1681, p. 81,) the following passage, too just and liberal for one who would not extend "principles of liberty and just sentiments of the dignity and rights of mankind." He says, as a ruling maxim in his commerce with the world, "*Fruatur quisque suo per me sensu licet; mihi nec alienum philosophandi libertatem, neque propriam prodere, animus est.*" (Let every one enjoy his own opinion, I would neither restrain another man's liberty of philosophising, nor surrender my own.)

Thomson proceeds to express his regret "that anything is ever published tending to confound men's understanding, mislead their judgment, or deprave their morals." Yet, he asks, "can truth be better armed against error, than with the mighty blade of uncontrolled reason? I hate," he adds, "all calumny and defamation, as I hate the corruption of heart from which alone it can proceed; and do, with the utmost zeal, detest those profaners of liberty, who, pretending to be friends to it, have recourse to such black diabolical methods." Against "abusive overt-acts" he deems "the laws a more than sufficient preservative;" and asks, "because wicked things are published, must there be no publishing?" The apolo-

gies for a censorship he thus exposes, at the conclusion of the preface :

“ I know it is objected that there is a medium between an absolute liberty of the press, and an absolute suppression of it, which I admit ; but yet aver, the medium (by which either licensing or nothing at all is meant) is far worse on all accounts than either extreme. For though we are indeed told, that licensers would serve us with wholesome goods, feed us with food convenient for us, and only prevent the distribution of poison ; sure such cant was never meant to impose on any but those who are asleep, and cannot see one inch before them. Let no true Briton, therefore, be deceived by such fallacious speeches, but consider the necessary consequences which must follow, and he will soon find that it is as the flattering language of the strange woman (in the ‘ Book of Proverbs’) ‘ who, with her fair smooth tongue, beguileth the simple, and leadeth them as an ox to the slaughter.’ That plausible and deceitful language leadeth indeed into the chambers of darkness and death.

“ What then is the noblest privilege that belongs to man ? Is it not the free exercise of his understanding, the full use of all the means of advancing in virtue and knowledge ? And can knowledge, virtue, or religion, be promoted, if the only means of promoting them are taken away ? For what are the means of promoting them, but the liberty of writing and publishing, without running any risk, but that of being refuted or ridiculed, where anything advanced chances to labour under the just imputation of falsehood or absurdity.”

Thus, the Poet of the Seasons devoted his prose, as well as his verse,

“ None but the noblest passions to inspire,”

and what his friend, Lord Lyttleton, said of the purely moral poet, was also eminently due to the enlightened and liberal politician, that he had not written

“ One line, which dying, he might wish to blot.”

#### AUTUMN AND AGE.

WHAT though the winter's chilling blast  
Disrobe the gold autumnal scene,  
Yet gentle Spring returns at last  
With youthful grace and smile serene.  
And though we soon shall sink beneath  
The cold and blighting hand of time,  
There is a spring, whose verdant wreath  
Will blossom in a lovelier clime.  
A glorious spring that will not close,  
But bloom in cloudless realms above,  
Where weary pilgrims find repose  
Beneath their Maker's smile of love.

J. J.

## THE CIMBRICAN MAID.\*

SWEET maid of Cimbrica, soft be thy sleep !  
 No wintry tempests across thy head sweep !  
 For enough of the storm and the tempest blew round thee,  
 When in life and in loveliness blooming they found thee ;  
 Rest thou now, for they spared thee not then, loveliest one !  
 Rest thou now, for a tempest yet darker is done !

Sorrow's wild gusts are o'er,  
 Ne'er to assail thee more,  
 Let every other to silence be won !

Pure as thine eyes, when uplifted to heaven,  
 With their last beams, to ask if thy love were forgiven ;  
 Bright as their glance on the field of the wave,  
 When thy soft arms did seek thy loved sire to save,—  
 Be the dews that upon thy green pillow descend,  
 For the tears of a hero oft with them shall blend :

Taintless and precious tears,  
 Such as fond memory wears,  
 When o'er the tomb of the sainted she bends.

White and unsoil'd be the soft fleecy snows,  
 That their covering spread o'er thy mound of repose ,  
 They cannot be whiter, more pure than the breast  
 Of the Cimbric Maid, who beneath them doth rest ,  
 And when they melt in the bright summer beams,  
 Warmer than all beside flow their soft streams,—

So that heart's feelings flow'd,  
 Melting, when pity glow'd  
 Into a love pure as heaven's own gleams.

Fare thee well ! Fare thee well ! Cimbric Maid !  
 Would that thy minstrel beside thee were laid !  
 With the lovely, the pure, the blest she would sleep,  
 And, haply, from all the bright eyes that there weep,  
 One tear-drop may fall on her low, urnless grave—  
 One flower to cherish, to waken, and wave  
 On her cold, pulseless breast,  
 From each conflict at rest,  
 Nor Denmark's, nor feeling's, nor suffering's slave !

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\* From the ' Wanderer of Scandinavia,' vol. ii. p. 311.

HISTORICAL SKETCH OF THE RISE AND PROGRESS OF THE  
BRITISH POWER IN INDIA.

No. IX.

THE Nuwaub of the Carnatic and the English rulers at the Madras Presidency had each in their pecuniary difficulties already frequently cast an eye on the treasures of the King of Tanjore ; for, not accurately considering his circumstances, they always persisted in believing him a wealthy prince. He had been included as an ally of the English in the treaty concluded with Hyder Ali in 1769 ; but as this honour was conferred upon him merely to prevent his being regarded as the ally of Hyder, for whom he was suspected of entertaining a treacherous preference, there seemed to be no reason why the Nuwaub and the Company should not extort from him as much money as possible. Their claim was founded on the protection they had afforded the Rajah, in common with all the Zemindars of the Carnatic, during the late war ; and this was strengthened by the fact that the Rajah had actually presented, to the former Nuwaub, the sum of eighty or a hundred lacs of rupees at a time. The Court of Directors commanded the Presidency, therefore, to further the designs of the Nuwaub to the utmost of their power ; but at the same time to take good care that whatever sums should be obtained, were conveyed to the coffers of the Company in liquidation of the Nuwaub's debts.

As the Rajah of Tanjore, who prayed for some abatement, or at least delay, in the demands of the Nuwaub, had been included in their treaty with Hyder Ali, the Presidency feared that any attempt to enforce their demands with arms would involve them in a new war with that prince, for which they possessed not sufficient treasure. Under these circumstances, the Select Committee determined to slight the advice of the Directors, and abstain from violence.

In the month of February 1771, news reached the Presidency that the Rajah was about to march against the Marawar chief of Sanputty ; and as the Madras Government regarded this as an infringement of the treaty subsisting between the Nuwaub and the Rajah, they immediately wrote to induce the latter to abandon his design. He maintained, however, that the district belonged to him, and that moreover the Nuwaub had formerly acknowledged this, and only requested him to delay the recovery of it until after the expedition against Madura. He therefore persisted in his intention. As soon as his answer was known, the Nuwaub, and Sir John Lindsay, (the King's Plenipotentiary,) most earnestly urged the Presidency immediately to commence hostilities against him ;



but many motives restrained them. In the first place their funds were scanty, and they at the same time apprehended an attack from the Nizam, and from the Mahrattas. The Nuwaub, they suspected, was actuated by mere ambition; but as it was to be feared that the representations of Sir John Lindsay would prejudice them in England, if they remained inactive, they made some show of warlike preparation, but secretly determined that nothing but absolute necessity should force them into war.

In the meanwhile they investigated the pretended rights of the Rajah on the Marawar district, and found that in fact he had no other than that by which they themselves enjoyed their pre-eminence in the country—the right of the strongest. From various considerations, the Presidency at length came to the conclusion that an expedition against the King of Tanjore was advisable, and made known their readiness to undertake it; but the Nuwaub now betrayed an unaccountable reluctance, and feigned great apprehension of the Mahrattas. The harvest, however, being now over, and the principal portion of the grain laid up in the different ports, little fear could be entertained of a Mahratta army, which would find much difficulty to subsist itself in the country. Still, as the Nuwaub evinced no inclination for war, they were content to desist, and attempted what could be effected by negotiation. But nothing was effected this way, and war ensued. Before entering on it, each party endeavoured, in case of conquest, to secure the country of Tanjore to itself; but at last the Presidency consented that the Nuwaub should obtain possession of it, on paying to the Company ten lacs of pagodas. Matters being thus settled, the army marched towards Tanjore in September 1771, and encamped before it; but the Rajah soon lost courage, and not only agreed to pay his arrears of tribute to the Nuwaub, and relinquish his claim on the Marawars, but likewise to defray the expenses of the expedition which had been undertaken against him. This arrangement he entered into with Omdut ul Omrah, the Nuwaub's son, who was at the head of the expedition; but when the terms were communicated to the Presidency they were not approved. It seemed to the Madras Government, that nothing short of the surrender of the fort at discretion, should have satisfied the Omrah; and they directed that the fort of Vellum, which had been taken during the expedition, should not be evacuated until further instructions. They anticipated that the Rajah would be unable to be punctual in fulfilling his engagements; which actually happened; and this being pronounced a breach of treaty, he was required to make his peace with the Company, by giving up the fortress of Vellum, and the districts of Coiladdy and Elangad, and he complied.

The affair of Tanjore was not yet concluded, when the Nuwaub applied for the Company's forces to subdue the two Marawar Polygars. The Governor and Council, although they confessed, in

their letter to the Directors that they considered the war unjust, adding that justice and good policy are not often related, made no scruple to render the Nuwaub the assistance he required, though they deferred commencing hostilities until after the rains. The army, accompanied as on the previous occasion by Omdat ul Omrah, the Nuwaub's son, marched from Trichinopoly in May 1772; and on the 28th of the same month arrived before Rammadaporam, the capital of the greater Marawar. A very few days put them in possession of this fort; and before the end of the next month, they had reduced the two districts, killed one of the Polygars through criminal negligence after they had concluded a peace with him, and made the other, a minor twelve years old, prisoner. Having reduced the chiefs, they proceeded to exercise the most arbitrary authority over the people, and provoked them to take up arms; and the means by which they were attempted to be subdued, were distinguished by nefarious cruelty.

Encouraged by these successes, the Nuwaub now meditated the entire reduction of Tanjore, and, although the Madras Government confessed that the Rajah had done nothing to justify an attack upon his country, they engaged to second the desires of the Nuwaub, from a conviction that it was dangerous to permit a man so deeply injured as the Rajah had been, to remain in secure possession of a sovereignty in the heart of the province. On his part, the Nuwaub was to defray the whole expenses of the war, and pay the Company for 10,000 sepoy, instead of 7000. It was resolved that peace should now on no account be concluded with the Rajah, unless it were found impossible to vanquish him; and the Nuwaub agreed to purchase of the army the plunder of Tanjore, should the place be taken by storm. These preliminaries settled, the army began its march from Trichinopoly in the beginning of August 1773.

When the allies arrived before the city, the Rajah despatched a letter to the English commander, exculpating himself from the charges laid against him by the Nuwaub, and entreating to be still honoured with the Company's protection. He forgot or dissembled the fact, that the Company never *protected* any one unless with the design of plundering him at a convenient opportunity; and that its servants cared little whether he was guilty or innocent, provided it could be proved that he was weak. His letter, therefore, was disregarded, and the operations of the siege were carried on with the greatest vigour. Having, about the middle of September, effected a considerable breach in the walls, it was expected that an assault would be attempted the next morning at day-break; but the English remained in their camp till the heat of the day became intense, and the garrison had chiefly retired to repose, when they advanced silently to the assault and easily carried the place; and the Rajah and his family fell into their hands. He was forthwith dethroned

and imprisoned ; and the Dutch, who had purchased from him the sea-port town of Nagore, were informed, that he had never any right to alienate the dependencies of his superior, the Nuwaub, and that, therefore, they must restore the town to its lawful sovereign. As an army advanced to explain this doctrine of feudal tenure, the Dutch were not in a condition to argue the matter, and retired. The Nuwaub agreed, however, to reimburse the Dutch the money they had advanced to the Rajah, on condition that they would consent to return the lands and jewels they had obtained of that prince.

When the news of these events arrived in England, in March 1774, the Directors made no remarks upon them, but, preserving an unbroken silence for nearly a whole year, proceeded, in the spring of 1775, to elect a new Governor of Madras. The Court of Directors declared for Mr. Rumbold ; but a Court of Proprietors immediately afterwards reversed their decision, and chose Lord Pigot. This nobleman, a former Governor of Madras, had returned to England in 1763, but was now ambitious of again visiting the East, in the hope, it is said, of rivalling the reputation of Clive.

As soon as Lord Pigot's party gained the ascendancy at the East India House, the proceedings of the Madras Government were vehemently condemned by the Company's Courts. The dethronement of the King of Tanjore was the annihilation of Pigot's own acts, which, in 1762, had by treaty given him security for his throne. Independently, therefore, of any love of justice, which, though a Company's Governor, he may be supposed to have felt, he had other causes of resentment against the enemies of the Rajah, and burned with impatience for the opportunity of displaying his anger. Under the influence, as it appears, of this nobleman, the Court of Directors now condemned the conduct and policy of their servants at Madras, and, to account for having formerly bestowed praise upon the same acts, accused them of having transmitted home ambiguous and imperfect despatches. At the same time a series of regulations was framed for the guidance of their conduct. they were directed, first, to provide for the security of the King of Tanjore and his family, and under certain conditions to restore him to his dominions ; and, secondly, when the affairs of Tanjore should be completely settled, to form a committee of five members of council, to make an inquiry into the state of the Northern Circars, and to let on leases the lands of those provinces. They likewise regulated the manner in which the Nuwaub should thenceforward hold the jaghire lands which he rented of the Company.

Lord Pigot re-entered upon his office as Governor of Fort St George in December 1775. According to the orders of the Directors, he was to proceed immediately with the restoration of the Rajah to his dominions ; but it was agreed that these orders should previously be made known to the Nuwaub in the least offensive

manner possible. This prince argued consistently enough against the wavering policy of the Company, and exhibited many reasons why it would be for the advantage of the English that he should retain possession of Tanjore; but, as the injunctions of the Directors were peremptory, he might have spared his reasoning: the Madras Government would not depart in the least from the directions of their superiors. Before they fully disclosed the nature of their instructions, however, they dexterously availed themselves of his offer to admit an English garrison into Tanjore; and, when this point was gained, they let him see how inevitably all the rest must follow.

Lord Pigot, accompanied by two members of Council, repaired, in April 1776, to Tanjore, to restore the Rajah to power; and on the 11th of that month his restoration was proclaimed. This being effected, the Rajah, at the instigation of the President, requested Company's troops for the protection of the whole country; and assigned for their maintenance four lacs of pagodas a year. For his conduct in this affair Lord Pigot obtained an unanimous vote of approbation from the Council on his return to Madras; but causes of hatred and dissension soon arose.

Mr. Paul Benfield, one of the Company's civil servants, and a favourite agent of the Nuwanb, pretended to have assignments to a vast amount on the revenues of Tanjore, as well as on the present crop, for money lent to individuals. As, however, his salary was trifling, it was suspected, and justly, that he was nothing more than an instrument of the Nuwanb, who thus aimed at defrauding the Company and the Rajah. The minute details of this transaction would be neither instructive nor amusing; it will be sufficient to observe, that, although the whole Council must have perceived the vile nature of the business, a majority of them took advantage of it to vent the rage they had long harboured against their President. This same majority defeated the attempt of Lord Pigot to establish a factory at Tanjore; and, when he afterwards proposed that Mr. Russel should be appointed Resident at that place, they, at first, consented, but immediately after selected Colonel Stuart as a person better suited to their views. The contest between the Council and the Governor thus begun, nothing seemed capable of long restraining either party within the bounds of moderation: the Governor contended that the Council was not competent to perform acts of Government without his concurrence, and as he was determined to withhold this, the majority appeared to be under the necessity of submitting. But they maintained their ground, and came to the resolution that the President's concurrence was not necessary. The dispute now assumed a more serious character; Lord Pigot charged two members of Council with having been guilty of an attempt to subvert the authority of Government, and to introduce anarchy. These two members being thus incapacitated

by this charge from voting in the Council, Lord Pigot possessed a majority ; but his opponents, far from submitting to his authority, published a protest, and had it conveyed to all the civil and military officers of the Presidency. Upon this, Lord Pigot ordered Sir Robert Fletcher, the commanding officer, to be arrested, and tried by a court martial. The other party proceeded to equal violence. Declaring themselves the legal Council, they appointed Colonel Stuart (Sir R. Fletcher being ill) to the command of the army, and directed him to arrest the person of the President ; which he did as he was proceeding with his Lordship in his own carriage to sup at his house. It is suspected that both parties were actuated on this occasion by motives which neither ever ventured to disclose ; and posterity must be content to infer, from their mutual accusations, that both were base and odious.

In England, notwithstanding a strong party in the Direction which defended the conduct of the rebellious Council, these transactions excited universal indignation. Very different opinions were entertained of the actors in these scenes in the India House and in Parliament ; but the result was, that, by the influence of the Ministers, Lord Pigot was directed to be restored to his office, and immediately thereafter to deliver over the Government to his successor, and return to England. The opposition members of Council were recalled, and the military officers engaged in the transactions ordered to be tried by courts martial. The new Governor was Sir Thomas Rumbold ; John Whitehill second in Council ; and the commander of the forces was Sir Hector Munro. But, before these regulations reached India, Lord Pigot died, after a confinement of eight months ; four of his opponents, the refractory members of Council, who had returned to England, were prosecuted at law at the instance of Admiral Pigot, and, being found guilty of a misdemeanour, were fined a thousand pounds each.

Sir Thomas Rumbold entered upon office in February 1778 : and in the following month represented in Council the necessity of suspending the Committee of Circuit, which had been appointed to inquire into the state of the Northern Circars. He suggested that whatever information was needed, could be obtained from the Zemindars, who might be ordered to repair to the seat of Government, where the schedule of rent might also be settled. To this the Council agreed. It was in vain that the Zemindars represented that this course of proceeding would ruin them ; that they were far too poor to undertake long and expensive journeys ; and that their absence would create infinite confusion and disorder in the country. The Governor and Council were deaf to these remonstrances, and adhered to their original intention.

The new Governor, a man of more activity than principle, soon distinguished himself by his arbitrary and tyrannical conduct towards the Zemindars, and more particularly towards Vizeram

Râz, Rajah of Vizinagaram. His conduct to this prince, an effeminate but peaceful man, and apparently an honest slave of the Company, was marked by more cruelty and injustice than was altogether agreeable to his honourable masters, who sharply reprehended him in their letters. But, in addition to tyrannical practices, several members of the Madras Government were found guilty of bribery and corruption; and moreover the private secretary of the President was discovered to be deeply implicated. Nay, the Governor himself was accused of having appropriated to himself the revenue of the Company, or, at least, of having acquired immense riches by unlawful means. It was in fact proved that he had transmitted vast sums to Europe, after entering upon office, and no satisfactory account of the manner of obtaining them was ever given.

About this period the attention of the Presidency was drawn accidentally upon the Guntoor Circar. This district had formerly been granted in jaghire to Bazalut Jung, the brother of the Nizam, who was to hold it merely during the Nizam's pleasure. In 1774, the Governor received information that Bazalut Jung entertained in his service a body of French troops, under the command of General Lally. This appeared to the Presidency a matter of the utmost importance; and they immediately put all the engines of their policy to work to effect the removal of the French. Their machinations were attended on this occasion with complete success, and ended in inducing Bazalut Jung to throw himself under the protection of the English; and, at the same time, a Resident was appointed at the Court of the Nizam, to watch over his movements, and pry into his policy. It seems, however, not to have occurred to the Madras Government that, by dislodging the French from the Guntoor Circar, they might possibly produce a result which they would regard as still more dangerous; but this happened; for no sooner were M. Lally and his followers dismissed by Bazalut Jung, than they were received into the service of the Nizam. This Prince saw with uneasiness an English army under the authority of his brother, whose ambitious temper he dreaded; and would not allow that apprehension of Hyder Ali, the cause assigned for desiring it, was by any means a sufficient reason. But if he was offended at this transaction, what must have been his resentment when Mr. Holland, the British Resident at his Court, proposed the remission of the *peschush*, (tax or tribute,) which the Company had agreed by treaty to pay into his Treasury for the Northern Circars! He informed the Resident, that as the English seemed determined to infringe the treaty, he must refer the settlement of their differences to the sword.

By order of his government, Mr. Holland transmitted an account of the actual state of affairs to the Supreme Council of Calcutta; which, after mature deliberation, condemned the conduct of the Madras Government and having written a pacificatory letter to the Nizam,

communicated their sentiments to the President and Council. These, conscious, as it would seem, of the impropriety of their proceedings, replied with angry recrimination, pointing out in the policy of the Bengal Presidency deviations from rectitude as glaring as those which they themselves had been guilty of. Both were guilty—and each acted justly in condemning the other. But the wickedness of the Bengal Government was no justification of the injustice of that of Madras. The latter had been guilty, in the present instance, of various acts of a reprehensible nature; and, among other things, had taken the Gunttoor Circar on lease from Bazalut Jung, and transferred it, on a lease of ten years, to the Nuwaub of Arcot, whose mode of government was highly displeasing to the Directors at home. But the Madras Government were soon cut short in their career: in 1781, the Court of Directors, after expressing the severest censure on the principal acts of their administration, dismissed from the Company's service, Sir Thomas Rumbold, president, and two members of council; two other members were deprived of their seat; and Sir Hector Munro, the commander of the forces, was likewise most vehemently censured.

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SUNRISE IN WINTER.

SHALL we mount yon shivering hill,  
 Where the thin mists linger still,  
 And mark the hag, Night, creep away  
 Through the valleys cold and grey;  
 While her shadowy form beside,  
 Darkness veil'd, and Silence, glide;  
 And, in cloudy dimness dress'd,  
 Fears that make the soul their nest;  
 Dangers, horrors, panics dread,  
 Things that o'er her empire spread,  
 While their mystic influence  
 Fiery-mantled stars dispense!  
 But now, o'er yonder eastern height  
 Comes struggling up the feeble light;  
 Showing, through each slender rent  
 In the cloud-piled firmament,  
 Like the pale lamp's broken ray  
 That doth from Gothic abbey stray.  
 And now along the curtain'd sky  
 Th' eternal sun is borne on high;  
 But, like a dreaming God, he throws  
 A doubtful splendour from his brows,  
 And nods upon his ear; while Day  
 Along the dim world wends her way,  
 Seeing less beauty on her path,  
 Than Night, in golden summer, hath!

Blox.

EXAMINATION OF THE DEFENCE PUT FORTH BY THE  
MISSIONARIES OF SERAMPORE.

A VERY angry letter has lately been addressed to the Editor of this work by one of the Serampore Missionaries, in reply to some remarks contained in an article that appeared in our Number for June 1825, "On the Inefficacy of the Means now in use for the Propagation of Christianity in India." This affords us an opportunity of clearing up a part of the subject which was before only slightly noticed. The letter presents itself in the form of a pamphlet printed in this country, and entitled a "Second Edition," implying, we presume, that this is a reprint from an original published in India, and is dated the 30th of January last. It is also prefaced with a long introduction, entitled "Reply of the Serampore Missionaries, to the Attack made on them in No. III. of the 'Oriental Magazine,'" which is dated November 26, 1824, or about a year earlier. But it may be well to premise that the original publication, which formed the main ground-work of what has since been written, both here and in India, as to the merits and success of the Serampore establishment, was a 'Letter of the Reverend William Adam, of Calcutta,' dated the 24th of December 1823. As this was published under the eyes of the Missionaries, (as well as subsequently both in England and America,) without its accuracy, in any material point, being ever called in question, its authority was necessarily considered of the highest kind. To detract somewhat from its weight, the Missionaries now reproach Mr. Adam with having embraced the doctrines of Unitarianism; but as his work has been reviewed by a clergyman of a different denomination, namely, the head of the Presbyterian church at Calcutta, who has strongly confirmed Mr. Adam's views, they cannot be supposed to arise from any improper bias on the doctrine of the Trinity. The opinions expressed in this work were founded on a careful perusal of both these publications; nothing being advanced which was not fully borne out by the statements of these two Reverend Gentlemen circulated on the spot where the facts were best known. As the Missionaries, though at hand to refute and contradict them, if they erred, had remained for many months in silent acquiescence, we certainly felt ourselves justified in placing considerable reliance on the general accuracy of statements so strongly authenticated. Nor are we yet aware that this confidence was at all misplaced. But if it shall appear that we were thus led into an error, the blame must fall upon the Missionaries themselves, who neglected so long to vindicate their character as men and Christians; not upon us, whose duty it was, as public writers, to give whatever additional publicity might be in our power to facts which, in India, were, apparently,



admitted to be unquestionable, and which, if true, seemed to prove that the funds contributed by the benevolence of Christendom to enlighten the heathen had fallen into hands very unfit to be trusted with so sacred a deposit.

As the 'Letter' opens with a charge of inconsistency against the Editor of this work for publishing anything in censure of persons of whom he had formerly spoken in terms of respect, when conductor of a journal in Calcutta, we shall begin by explaining that this change of style is easily accounted for by the remarkable change which has since taken place in the character assumed by the Serampore establishment. Instead of their reproving us for our change of opinion, we have a right to ask them what excuse they can offer to the public for having so long assumed a character which did not belong to them. For it will appear in the sequel, that after about twenty years of professed self-devotion to the cause of God and non-realization of "a single cowrie" for themselves, during which period, at least sixty thousand pounds sterling had passed into their hands, from the benevolence of the Christian world, they then inform the parent society that they are not at all amenable to its superintendence or control, as to their management of the property professedly held *in trust* for that society; but that they are accountable to God only for their actions! They are now the Trustees of Heaven, and renounce all earthly authority! This new light was communicated to the Society at home in the year 1817, but did not, however, illuminate the public in general till six years later, when this declaration of independence was published and reviewed in the 'Oriental Magazine,' apparently very much to the discomfiture of the Missionaries; for they accuse the Reviewer of a very heinous violation of delicacy, in publishing and commenting on what they call "a private Letter." But we rather apprehend that the concealment of the fact by themselves for so long a period will be considered as something worse—a violation of candour to the Christian world. They seem to throw the blame of this concealment on the Society in England, saying "they considered themselves bound in honour to withhold it from public notice till they received permission from those to whom it was addressed, which permission was never given." We are not informed, however, that it was ever *asked*; but they state that they gave the Society permission to publish *not* the 'Letter,' no, but only *two ideas* that were contained in it."

What these "two ideas" were we know not; but can easily conceive, that if published, and sent, like two rays of light, to wander through the world alone, they would be more likely to mislead than enlighten the public. Since this, however, was the extent of their permission, and the Society withheld even this scanty portion of light from the public, with what justice can they now impute blame to us for not possessing or receiving from it more full information?

Is a public writer not to express his opinion on the affairs of public bodies, who choose to wrap their concerns in mystery, until he obtain possession of that truth which they purposely withhold? But it is an old stratagem of Missionary controversy to shift the duty of giving information from one to another. Lieut. White, in his 'Considerations on Bengal,' which were published in *England*, having estimated the number of converts made by the Missionaries at about two hundred, they reproached him with not having applied to them at Serampore for more correct information, as they would, they said, have produced the Registers actually published by his friends the Missionaries! Soon after this, as the Rev. William Adam, of Calcutta, was publishing a work there on the same subject, he took their advice, and applied to them for their proffered information, but was informed that they had no Registers, not even a copy of them. They were now to be sought for in England! In like manner, we are now told, first, that there is no doubt the Committee in England will, *long since*, have published the facts in defence of the Missionaries abroad. But these facts have never reached us; so we are again told, "*Apply to me (i. e., we presume, undertake a voyage to Serampore!) and I will afford you the fullest information.*" We reply, let it be given at once to the public of India, there to prove that this offer is not the old thread-bare stratagem. To this we shall only add, that information appears by no means more accessible in England than before, as we had some difficulty in obtaining even a copy of the pamphlet which is the subject of this article; it being intended, apparently, to be intrusted only to the hands of friends who were not so liable to scrutinize its statements; as even the publisher, when applied to, could not supply us with a single copy.

It will be very easy to show, from this pamphlet itself, that we have not been the first to change our opinion of the Missionaries; and that, since the above declaration of their independence was discovered, others have censured their conduct in still stronger terms. In reply to the 'Calcutta Reviewer,' they ask—

"What then does the Reviewer intend by saying that they show an expenditure of all the 22,000*l.* remitted to them by the Baptist Society at home, as contributions from the Christian public for the spread of the Gospel, to escape from the claim of the Society? He must either mean to insinuate, that the entries on the side of disbursements are false, or his words are without meaning! . . . . To the veracity of these accounts, the character of the Serampore Missionaries is pledged; and unless the Reviewer be prepared to bring forward a distinct proof of *fraud* in any specific entry or entries, the charge of *EMBEZZLEMENT* brought against the Serampore Missionaries must be considered as altogether gratuitous."

Though the work in which this serious charge originated (the 'Oriental Magazine') has since more than doubled the period of its existence, the 6th and 8th Numbers, printed in Calcutta, being already in our possession, we have not yet discovered in it any recantation or acknowledgment of error; nor does it appear that the Mission-

aries have instituted any action in the Supreme Court at Calcutta to recover damages of the Reverend Proprietor, or afford him an opportunity of proving his statement. As that, or the Indian public, seems the fittest forum for discussing such serious charges, we are not a little surprised to find the Serampore Brethren avoiding the scrutiny of that tribunal, where all the facts are within reach, and raising a loud outcry in England against us, who *never* accused them of "fraud" and "embezzlement." They insinuate, however, that we did, merely, it would appear, to have a pretence for thus *traversing* the case to England, by which they secure the advantage of having a jury immeasurably less qualified to judge, from the want of local knowledge and personal experience; secondly, the evidence is so far off that such representations as they choose to make are pretty safe from any close scrutiny or cross-examination.

This legal finesse (for such we must consider it) of traversing, is the more remarkable, as the original accuser had devoted to them an article of nearly fifty pages, a very considerable portion of which is a direct attack on their conduct as trustees or managers of the funds collected for the spread of the Gospel; whereas the article in this work consisted only of a single sheet, and the greater part of it was directed to much higher objects than their pecuniary affairs, which are introduced inadvertently only in one or two pages. These we shall quote, in order to show that they contain no charge of "fraud" or "embezzlement," (in the usual sense of that term,) the charge which, as above seen, they confess to have been made against them in India; although they do contain a distinct charge of having miserably misapplied these funds, and usurped a control over them to which they are not justly entitled, and, at all events, incompetent to exercise. In that article, after expressing our conviction that those engaged in the work of converting the Heathen, neglected to pursue natural or rational means of accomplishing their object, because, apparently impressed with the belief that they were assisted by Divine agency, we added:

"That the Serampore Missionaries who have taken so *distinguished* a part in the work of proselytism, *were* often led away, at least to some degree, by vain delusions of this kind *is abundantly evident* from a Memoir of theirs before us, dated 1808. They were then making numerous versions of the Scriptures in the Oriental languages, and distinctly assume, in speaking on the subject, that Heaven itself exhorted and encouraged them to proceed in this work by numerous special acts of favour. Take the following instances, all occurring within a few pages. Speaking of the Persian version, they say: 'Providence has been pleased, in a singular manner, to provide for this version, by preparing a person for the work peculiarly qualified,—Nathaniel Sabat, a native of Arabia, a descendant of Mohammed, and once his devoted follower.' In the same page, speaking of the Chinese version, they say: 'In no language has the care of Providence over the translation of the Divine Word more eminently appeared than in this. So *effectual*, indeed, has it (the care of Providence!) been, that this version, which once appeared to present almost insuperable difficulties, is now brought into a course,' &c. &c. Two pages further on: 'Providence has also given us an opportunity of entering on another work of this nature. It has pleased the God of Mercy to open a

door for us into the Burman empire,' &c. About two pages further: 'Soon after our settling at Serampore, the providence of God brought us the very artist who had worked with Wilkins,' &c. &c. Such language, if *not* to be accounted for in the manner we *have* attempted, must be the product either of folly, fanaticism, or knavery. The writer speaks of Providence with the same familiarity he would of a brother Missionary; and seems, in one case, to forget entirely what he is speaking about; expressing himself as if he believed that the care of Providence might sometimes be *ineffectual*; or Omnipotence itself hardly adequate to surmount the difficulties of their tremendous labours!"

The commentary made on this passage, in the 'Reply' of the Serampore Missionaries, is so strikingly illustrative of the character of the writer, that we must give the exordium of his letter to the Editor of this work entire:

"SIR,—The attack on the characters of Dr. Carey, Dr. Marshman, and myself, which appeared in the number of your '*Oriental Herald*' for June 1825, can scarcely be perused without some little surprise. When the terms of respect in which you alluded to my colleagues, while you were the Editor of a paper in Calcutta, are compared with the *vituperative* character of the essay in your '*Herald*,' the change of tone appears somewhat remarkable. Those whom you formerly held up to public commendation, you have now accused of having pursued the work of translating the Sacred Scriptures for the sake of personal emolument—of having realized handsome fortunes by deluding the public—of having secured to themselves the sole management and control of the considerable landed and moveable property realized, as you say, from public subscriptions—of having seized on the donations of the Christian world for converting the Hindoos, and appropriating them to their private use. You have, in one paragraph, proceeded so far as to associate the term "knavery" with their names. What motives could have led you to attack three unoffending individuals I know not, nor will I attempt to divine."

As the writer of the above has not had the candour to quote one of the passages of this work, in which he professes to find such *vituperation* and personality, he imposes upon us the necessity of showing how far his statements can be relied on. And we must observe, that if his "facts and figures" be not more correct, than his representation of our remarks, the defence of the Serampore Missionaries rests on a sandy foundation. In the above extract, in order to create an impression that he had some grounds for accusing us of a virulent and "vituperative" personal attack upon himself and his reverend colleagues, he broadly affirms that we had associated the term knavery with their names. So far, however, is this from being the case, that the name of Mr. John Clark Marshman, who makes this assertion, or of any member of his family, was never once mentioned in this work; while the only member of their body so brought before the public, was the Rev. Dr. Carey, and that because we had occasion to speak of him in terms of commendation, as "the most learned and respected of the Serampore brethren." ('*Orient. Her.*' vol. v. p. 590.) Perhaps, therefore, it is the meed of praise so justly bestowed on that truly worthy, as well as learned and pious man, which has stung with envy the ruling family of Serampore, whose names were passed by with inglorious silence. Unless it is this which has roused their wrath, it does not appear why they should appropriate to them-

selves the censure bestowed upon the language of the pamphlet which provoked the foregoing criticism. For our readers will have observed, that the term "*knavery*" was not associated with their names, but with what too much resembled the language of folly, fanaticism or hypocrisy, proceed from whence it might. At the same time we expressly stated, that instead of fixing upon it such a harsh interpretation, as others might have done, we had endeavoured to account for it *otherwise*; as the product of that religious enthusiasm which often takes possession of those who conceive themselves to be acting under a divine commission to accomplish the behests of Providence.

For this liberal, charitable, and Christian interpretation of language so reprehensible, we are accused of associating vituperative expressions with the *names* of persons never named at all. We shall now, therefore, go farther than we then did, by saying, that from the style of that Memoir, no doubt exists on our minds, that it is the composition of the Rev. Joshua Marshman, so well known in India for his liberal introduction of the agency of Providence into all his works. As he is at present in this country, we shall be happy to hear that he is able to give a more satisfactory reason than we have done, for the use of such presumptuous, if not profane figures of speech, of which there are many more examples connected with this subject, which we forbear at present to mention. In the same strain, Mr. John Clark Marshman goes on to say—"It was not generous of you to throw the suspicion of *knavery* upon the conduct of my colleagues, &c., and to attempt to 'bring their grey heirs with *infamy* to the grave'—to endeavour to destroy the posthumous reputation of my deceased friend, the late Mr. Ward." Such language as this appears to us little short of raving, if it be not artfully employed by way of creating a man of straw, in order to show the prowess of the writer in knocking him down again. "Fraud," "embezzlement," "infamy," "knavery,"—"destroying the character of the living," and "raking up even the ashes of the dead"! Having conjured up this horrid picture in his imagination, he attributes it to us. But the fact is, that we never mentioned Mr. Ward, nor are we conscious of having alluded to him in the most distant manner, or of ever having for a moment harboured such an intention! So much for his posthumous reputation of this holy man, "whose righteous soul never breathed a sentiment that was not consonant with the strictest integrity." Again, our charge against the Missionaries was neither that of *fraud*, *embezzlement*, *felony*, *murder*, nor *high treason*! but that, in the administration and outlay of funds raised by the benevolent for enlightening mankind, they had done little or no good to the world, while they had themselves realized handsome fortunes, which they spent as they thought proper; and that even that part of the property which the liberality of the public had enabled them

to accumulate and set apart avowedly for religious purposes, was now placed on a footing which afforded no proper security for its not being, at some future period, diverted to other objects; since that they had erected themselves into irresponsible managers, who were to elect their own successors, who were to be, like themselves, accountable to no one whatever for their actions. The sum total of our remarks on the subject was the following extract; on which we shall only observe, that in using the word "realized," we did not conceive it to mean "embezzled" in Missionary language, but intended it to signify "acquired" by the regular gains of the Missionary trade:—

"In so far as their own personal interests were concerned, the result proves to have been good; since they have realized handsome fortunes, although, when they were sent out to India by the Baptist Society, it was, we believe, with all the honours of apostolic poverty—'without either purse or scrip.' The character and means of this Society supported them in their humble outset, and laid the foundation of all their after success. We understand that in the days of their prosperity and affluence, they have thrown off the authority of that body under whose banners they took the field; and, by this able stroke of generalship, they have secured exclusively to themselves and their families the sole management and control of the very considerable landed and moveable property they have *realized*. We state this, because it is fit that persons in every part of the world, who have contributed so liberally towards the encouragement of the work of conversion, should know that their donations have gone into the hands of a few private individuals, who now reject all superintendence or control over their conduct by any public body of men, and may, consequently, whenever they please, convert the large funds collected for pious purposes, into a temple of Mammon, or any other deity they or their heirs, (some of them attorneys,) successors, or assignees, may choose to worship. Much, we hear, has already been expended to purchase shares in business, and defray the expenses of foreign travels for the representatives of these 'pious men,' who will ultimately, no doubt, apply all the rest in a similar way. We should be far from censuring such an application of money fairly earned; but we must ever condemn the artifices, of whatever kind they were, which succeeded in placing a religious establishment on a footing of this kind, on which no religious establishment ever stood, in as far as we know, from the creation of the world, to any beneficial purpose."

Before we adduce the grounds of this statement, (every part of which is founded on what had been publicly stated long previously in Bengal, and remained unrefuted,) let us advert to the nature of the relation which such Missionary establishments as that of Serampore, bear to the parent society at home. A right understanding on this point is essential to a just solution of the question that has been so much discussed in Bengal, as to the conduct of that establishment and its quarrels with the Baptist Society in England. When the East India Company sent out its agents to establish a commerce in Asia, a violent propensity was soon displayed by its servants to trade and acquire property on their own account; an abuse which (like the fabled revolt of the several members against the belly) threatened, if not effectually checked, the very existence of the association to which they belonged; the servants, while pursuing their schemes of individual aggrandize-

ment, being sure to neglect the interests of the main body.' Such an example should not be thrown away on societies establishing branches in distant parts for whatever purpose, the human instruments they must employ having all the same liability to be led astray from the path of duty by human failings. It may be a hardship on the agents of a mercantile body, to be prevented from trading on their own account; yet, as they must submit to it for the common good, is it a greater hardship on religious men, who devote themselves to the service of religion, to tie up their hands from the temptation of serving two masters—God and Mammon? To illustrate this more fully, let us suppose a case which may readily occur: One or two individuals in very humble stations in this country—a shoemaker, perhaps, or a ploughman, are inspired with an ardent zeal to be employed in converting the heathen. They apply to some powerful religious body, through whose influence, after being in some degree qualified and prepared by study, they obtain permission to proceed to India, and the means of conveying themselves out and settling there. Constant remittances are sent out to support and encourage them in their labours, and the character and credit of the Society is used to raise contributions for the same object in every part of the world. These individuals profess all the while the utmost humility and self-denial, to seek nothing for themselves, but to hold all they possess for the sake of the cause in which they are embarked, and in trust for the Society which sent them into the vineyard to labour. But if we find that, after a number of years, these humble Missionaries have, notwithstanding, acquired considerable private property, or at least have all the external symptoms of it, are living in luxury and splendour, keep open house at home, and have some of their members engaged in foreign travels, their sons educated at Oxford or Cambridge, their daughters at the fashionable establishments of Bath, while they disdain all superintendence or control over their actions, or over the property they have accumulated, avowedly for pious purposes, and hold professedly in trust for the parent Society; shall we not be allowed at least to say that the public expectation has been disappointed—that the cause of religion has been perverted to that of personal aggrandizement—that its apostles have drunk of that fountain whose stream “*volge tutto in ghiaccio il primo ardore*”?

It does appear fully admitted that the Baptist Mission Society in sending out Missionaries to Bengal, acted on the principle that the latter should be considered as their agents, amenable to their advice and control in the efforts made for the diffusion of Christianity. Even if no express contract existed, the circumstances under which the connection commenced, would seem in justice to establish such an obligation of obedience. When the original members of their body were sent out to Bengal, twenty or thirty years ago, was it not through the influence of the Baptist Mission

Society that they obtained the permission of the Company to settle in its territories? The means of that Society enabled them to convey themselves thither, and commence their operations, which were afterwards promoted by the liberal contributions raised and forwarded to them by these their powerful and active patrons in Europe. The character, credit, and contributions of the parent Society having established them firmly in Bengal, and enabled them to form numerous connections in various parts of the country, in a word, conferred on them whatever power they possessed of doing good or mischief; can it be denied that these agents or protégés were under a moral obligation to be amenable in wielding that power to the control of those from whom they derived it?

This power consisted in the direction of their own talents as preachers or teachers, as well as in the application of the property realized by their own exertions, or the donations of the Christian world towards the cause in which they were embarked; since, but for the Baptist Mission Society, these talents might never have been available to the world; but for its name and influence that property could not have been accumulated. Without its inspiring aid the Missionaries had never possessed their gift of tongues—their power of executing and circulating translations of Scriptures; nor, in fact, of realizing funds to be applied to this or any other purpose; and if, according to their own principle, (which the Missionaries advance only to pervert it,) those who originate property ought to control it; here the control over their joint accumulations (beyond what was necessary for their support) clearly belonged to the Baptist Mission Society.

That this was the original understanding of all parties is placed beyond a doubt by a “form of agreement” entered into by the Serampore Brethren shortly after they established themselves at that station, by which they became bound one to another to “devote the proceeds of their individual labour, in whatever capacity they might arise, to the common cause; engaging *not* even to lay by a single cowrie for their children.”\* This pledge of self-denial gained them, we are told, a very high reputation, both in India and England, for zeal and disinterestedness; and it is fair to assume, that this was a main source of the wealth which subsequently flowed in upon them from public benevolence. In the same spirit, having, between 1800 and 1805, purchased landed property to the value of nearly 4000*l.* for the erection of their Missionary establishment at Serampore, they state, in the title deeds of the indentures, that these premises were purchased by them “*IN TRUST* for the Baptist Mission Society, instituted for the propagation of the Gospel among the heathen.” These properties were purchased, partly with their own, partly with borrowed money, and partly with

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\* ‘Oriental Magazine,’ Calcutta, Sept. 1821. p. 78.



the funds of the Society, which they afterwards repaid. But, having purchased other landed property, nine years afterwards, for which, having now become greater capitalists, they "paid their own money down"—the titles make no reference to its being *in trust*.

Not having seen the entire copies of the original documents concerning the Serampore establishment, we are necessitated to have recourse to the secondary authority, the 'Calcutta Magazine,' which states, that the change from being a property *in trust* for the Society at home, to a property *in fee simple* for themselves, seems to have been communicated to the latter, in 1817, for the *first* time. The *trustees* then tell the Society for which they held property in trust, that to claim any control over it, or its managers, would be a most glaring injustice. Because, in the first place, a communion of goods, or a union with a common stock was impracticable, and must produce divisions, or perhaps separation. But this argument would strike at the root of all social co-operation, which can, however, easily be maintained by observing the infallible rule of subjecting every individual to the will of the majority. Secondly, because they could not live at the mercy of the Society which might expel them from their homes. Yet thousands of their countrymen in India, not self-devoted to the cause of God, have their fortunes placed at the mercy of their superiors in this country; men not surely more just, humane, or conscientious than the members of the Baptist Mission Association. Again, the Missionaries argue, that they had themselves originated the property, and contribution gives a right to control. But the Society replies, We also and the Christian public have largely contributed; besides which, you have devoted yourself, and the fruits of your labours, to the cause of God. True, the Missionaries rejoin, but—

"What, then, beloved brethren, are you God? or his vicegerents on earth, that you claim what is *his*? It is God's; but in whose hands is the application of it to his cause? We presume in our own, as *we alone are accountable to God* for its due application."

Such is the style of pious and logical argumentation employed by the Serampore Brethren in order to vindicate their right of retaining in their own hands the disposal of the loaves and fishes. But it is again urged on them, "You have placed all at the disposal of the Society's Committee." They reply, "Never, beloved brethren, never a single farthing! We have contributed to the cause and the Mission in India all we are able, as they have done; yea, a far greater sum than has been sent from England, but at the disposal of the Committee in England we never placed a farthing." There being evidently here a mistake about the meaning of terms, the question then arises, what the Missionaries meant by calling themselves *trustees*? The 'Calcutta Reviewer' gives the following explanation:

"In their recently erected premises, comprising the Collège of Serampore, they style themselves, 'Trustees and Proprietors,' a mixture of character

which we could not well comprehend, till a friend informed us that, having asked an explanation, the Missionaries said, 'they were trustees for God.' If, as they say, they are Heaven's trustees in the Serampore College, what do they mean by adding 'Proprietors'? Do they allege that Heaven is also a joint-proprietor with them, and that they take the trust only in part."

After what has been stated, it will, we think, be admitted, even by the warmest friends of the Missionaries, first, That they used the word, or rather assumed the character of "trustees" in a very equivocal manner, as it misled their brethren at home for no less a period than seventeen years! That large sums of money were remitted to them by the latter, during that time, under the supposition that they were acting only as their agents, without any view of realizing an independent property on their own account! That the Indian public, in like manner, contributed largely under the same erroneous notion; believing that these Missionaries were men whose labours were wholly devoted to the cause of Christianity, and acting under the superintendence of the Baptist Society at home! As a proof of this, we need only adduce the 'Calcutta Review' of September 1824, the Editor of which states, that, up to that period, he, and probably most of his readers, had all along imagined that the Serampore establishment was *part and parcel* of the Baptist Mission Society in England! that, then, for the first time, the good people of Calcutta, were to have their eyes opened to the fact that the Missionaries disclaim all connection with the parent Society,---deny their right to interfere in any matters of the Serampore Mission, and refuse to receive among them the brethren who were sent out by the Society in England!

After this memorable discovery, "let us come to the figures," (as Mr. John Clark Marshman says,) and see how much has been contributed by the public to the Serampore establishment during the previous twenty-four years of delusion; and here we must observe, that this candid writer has shown his usual dexterity in exhibiting only one *half* of the account---the sums *expended* by the Serampore Missionaries, drawn up in formidable array, to the amount of 58,613*l.*; but the sums *received* are left scattered about, like an army of Burmese lurking in the jungle, so that their numbers cannot be estimated till they are brought forward to the charge. Here they are:

Contributions sent from England, from 1801 to 1816, for the support of Missionaries in India, p. 7.....	£22,000	0	0
Ditto raised in India for the instruction of Indigent Christians since 1810 (111,536 S. R.), p. 11.....	11,153	0	0
Ditto for Native Schools (56,693 S. R.), p. 11.....	5,669	0	0
Ditto for Serampore College, (18,000 S. R.), p. 14.....	1,800	0	0
Ditto in England for ditto, by the late Mr. Ward, p. 12...	2,800	0	0
Ditto in America for ditto, by ditto, (10,000 dollars,) p. 12, say .....	2,000	0	0
Legacy from Wm. Grant in 1807, p. 32.....	2,000	0	0
Ditto from Mrs. Bryant in 1818, p. 32.....	550	0	0

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Carried over, £47,973 0 0

	Brought over,	£47,972	0	0
Ditto from a pupil of Dr. Marshman in 1820, p. 12.....		600	0	0
Sum received from Europe for printing the Sacred Scriptures, between 1815 and 1822, p. 21.....		17,140	0	0
Ditto to repair loss of printing-office by fire in 1812.....		7,000	0	0
Ditto from Baptist Society in 1825, p. 32.....		1,000	0	0
Ditto from Tract Society, p. 32.....		100	0	0
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Total Receipt acknowledged by the Serampore Missionaries		£73,812	0	0
Expenditure shown by Mr. John Clark Marshman.....		58,613	0	0
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Balance remaining in the hands of the Missionaries .....		£15,199	0	0

This is something like the mode in which this gentleman ought to have stated the account, which shows a balance somewhat larger than the 15*l.* 15*s.* 7*d.*, which he modestly admits. As to the accuracy of the above, we leave others who possess more intimate knowledge of the Missionaries' concerns to pronounce; but we have carefully extracted the items from their own statement. Though there may be many other large donations with which we are unacquainted, these are sufficient to show that a very considerable sum of money has passed into their hands, for the application of which they are responsible.

Now the question is, having entered upon this trust under a solemn pledge of devoting themselves and their labours wholly to the cause of God, and denouncing, as we are assured, curses on the head of any one of their number who should ever think of acquiring "a cownie" for himself or his children; had these men a right to realize private property, not to say fortunes, in the management of those funds confided to them for the benefit of mankind? Had they a right to alter secretly and imperceptibly the nature of their social union, without warning the public that the constitution of their body, which had acquired its confidence and liberality, was at an end? Were they acting fairly and candidly towards the Parent Society in renouncing its superintendence even over the property they professed to have held *in trust* for it?

The Missionaries treat the matter as if it were a mere question between themselves and the Baptist Mission Society; but we regard the subject in a very different light. Taking it for granted that the Baptist Mission Society in England may have become perfectly reconciled to the conduct of their brethren abroad, as the latter assert; or that, seeing they had not the power of controlling them, they were disposed now to wink at their aberrations, the *public* has also a right to be satisfied. The Parent Society themselves stand in the situation of Trustees to the public for the ample funds committed to their charge for pious and benevolent purposes; and they could not be justified in transferring these funds into the hands of others, over whose malversations they had no real control; while the public were led to believe otherwise by the specious professions of the *soi-disant* self-denying Trustees! What does it avail the latter

to state, that an understanding existed between them and Mr. Faller, the former Secretary of the Society, who wrote, they say, in 1813, (officially or otherwise is *not* stated,) " We have never considered ourselves in any other light than *as co-workers with you.*" What does he mean by " co-workers " ? Might not Lord Amherst, Sir Thomas Munro, and Mr. Elphinstone be called " co-workers " with the Court of Directors, in fleecing the Natives of India ? Yet, should Mr. Secretary Dart, or even the Committee of Correspondence, use that barbarous phrase in addressing these gentlemen, could they, by the aid of Missionary logic, a few years hence, erect themselves into irresponsible despots, appealing to the term " co-workers " as the charter of their independence ? The Court of Directors would consider this a " co-working " with a vengeance.

Mr. Marshman lays it down as one of the first principles of human obligation, that " *support* alone can originate control ;" perhaps an improvement upon the old text of his senior brethren that " *control* originates wholly in contribution." Taking it either way, it will hardly be denied by the Missionaries that the support or " contribution " *originated* with the Baptist Mission Society ; which alone laid the foundation of their present lofty pretensions. The right of control therefore began with their first outset, and it remains for them to show how or when they could justly escape from it. They say they have received no support, from that or any other society *since* their settlement at Serampore in 1799. But it is admitted, that they did receive support during the six or seven years which *preceded* 1799, Dr. Carey and Mr. Thomas having arrived in Bengal in 1799 ; nor is it insinuated that the Society ever offered to withdraw its support, which, on this principle, might have been one mode of losing its control. But it was the Missionaries themselves, it appears, who declined receiving pay. In a few years they began to think that in the wealthy region of Bengal they could employ their time and talents more profitably than in preaching the Gospel for 360*l.* a year, which was all the Baptist Society it seems could then afford. As the planting of indigo was a more gainful occupation than that of sowing the Word, they renounced the petty pay and prospects of Missionaries for those of traders ; and this abandonment of the cause is now brought forward to justify the renouncement of the Society's control.

They cannot allege that the Society was either unwilling or unable to support them ; as their own accounts show, that from about this period to 1816, the Society remitted to them no less than 22,000*l.* sterling, and sent out and supported nine or ten additional Missionaries.

The pretence therefore, that the Society could not support the first *four* families, and that they therefore became traders, appears a very lame excuse, if not an unjust and ungrateful attack on that powerful and liberal body, which raised them from nothing, sent

them forth into the world, guaranteeing them an income of 360*l.* per annum, we presume from Europe alone, besides what they might obtain from the piety and benevolence of the Christian public abroad, in support of the same cause, which would probably raise it to double that sum. In point of fact, the contributions of the Baptist Society seem never to have relaxed, but rather to have risen in geometrical progression ; and, if “ support originates control,” the Missionaries have yet to show that their patrons in Europe were ever guilty of any dereliction of duty, any cruel abandonment of their protégés, by which their right of superintendence over them could be justly forfeited.

Mr. Marshman asserts that, “ on the *discontinuance* of support, control ceases.” But he has not told us that the Baptist Society ever withdrew their support, on the contrary, that their Missionaries renounced it for more lucrative employ. He again adds, that “ In a free state it is repugnant to law and reason that any association of men should exercise control over those whom they do not support.” To refute such puerilities as these is a mere waste of words. Does the writer not know that the Scotch church exercise control over their Presbyterian fellow labourers in Calcutta, to whom they do not, and never did contribute a single farthing ? And the same may be said of the Indian Members of the Church of England. Nay, the controlling party, so far from being the givers, may even be the receivers of support from the parties controlled. Does he imagine that the Leadenhall-street Association send out twenty millions annually to support their establishment in India ; or, does he not know that it is their agents abroad that support the Directors at home ? Hence, according to Missionary ideas of right, a collector of the customs in Calcutta should (by “ the first principles of human obligation ”) control the Court of Directors, nay, even the President of the Board of Control himself !

But in both cases, as the support proceeded originally from the bodies in England, the right of control remains, according to law and justice, with those who opened those sources of wealth which their agents would now assume a right to employ according to their own will and pleasure.

Now, leaving the question of their right to convert their profession of Missionaries into a means of realizing independent fortunes, let us attend to the mode of accomplishing this object. There are only two conceivable modes: the profits of trade, or the profits of their Missionary labours, in which they were aided by the public ; for instance, the profit arising from the disbursement of from sixty to one hundred thousand pounds, committed to them by the public for the moral and spiritual improvement of the Natives of India. They assert vehemently that they did not *embezzle* this money : we never said they did ; that is not the question. But did they realize no profit from its management ? This is a plain query, which it did

not surely require forty-seven pages to answer; and leave unanswered after all! If they gained nothing directly, did the reputation of being the depositaries, or channel of such a stream of wealth, gain them no additional credit with their bankers; and thus enable them to trade, with superior advantages, on a more extensive scale? Supposing then, their direct profits to have arisen, not from this, but from occupations foreign to the objects of their Mission, this must still have been eminently subservient to their success. Besides which we certainly regard the profits of such secular employ, as far less honourable of the two, because indicating an abandonment of the cause for lucre. But it seems, these pious followers of the apostles, who were to have neither purse nor scrip, think it more honourable to acquire riches by commerce than to imitate the example of "Him who was rich, but for our sakes made himself poor." These once humble Missionaries disdain to accept a moderate pay, like their fellow labourers in the vineyard, and vying now in luxury and splendour with the rulers of the land, they treat with scorn and contempt the idea of receiving any thing from the contributions of the Christian public for promoting what they erewhile called the cause of God! Such is the haughty strain in which they now address the public, a style which the far-travelled Mr. John Clark Marshman could hardly have learnt from the triple-crowned Potentate of Rome:

"I have never (says he) touched a farthing of public subscriptions, and I hope I never shall, *even as a remuneration for actual labour*. You well know that I would *spurn* such an idea with *scorn*! I really have no need to put my hand into the public purse; and the most unpleasant part of your *personal attack* on me is, that you should impeach at the same time both my judgment and my honesty, and suspect me of committing a breach of trust from which the veriest fool would have refrained."

If Mr. Marshman would rather be considered a rogue than fool, his taste may be gratified by our stating that we certainly never imagined him or his colleagues so egregiously shallow as to put their hands *directly* into the public purse, when, at the distance of ten thousand miles from the donors, its contents could be so easily transferred imperceptibly, in the more creditable shape of profits or remuneration for labour performed. This is a position which our Missionary advocate will not meet, but he finds it convenient to assume that he is replying to a charge of fraud or embezzlement; which assumption being quite gratuitous, his reply is consequently altogether irrelevant. Mr. Ricardo is not accused of embezzlement for having realized a profit of 64,000*l.* out of the loan raised to promote the cause of the Greeks; and if the Missionaries of Serampore have realized as large a sum in the management of the "Joint Stock sacred to the cause of God," as they call it, for the conversion of the Heathen, the main difference is, that Mr. Ricardo gave no solemn pledge to acquire no private property, nor to hold what he acquired only *in trust* for the Greek Committee;

in so far, therefore, he is more honest and candid than the Missionaries of India.

We come now to their mode of applying the produce of this highly productive joint stock concern: one-tenth of it was set apart as a future provision for their families and relatives; the other nine-tenths (deducting, in the first place, we presume, the current charges of the magnificent establishments of Serampore, expenses of travels on the continent of Europe, &c.) being added to the capital, was, in their characteristic language, "their pure gift to the Redeemer's Cause;" that is, "the profits on the nine-tenths is realized in land, houses, printing presses, and paper mills, all of which are, by a formal deed, declared to be the sole property of the Missionaries, disposable according to their will and pleasure."\* Hence, the same writer concludes, as the result of the whole affair:

"The Serampore Missionaries, in expending the funds contributed by the religious world, at home and abroad, for the propagation of Christianity in the East, over and above making converts, who have been, unfortunately, all along very few in number, realized in part out of the expenditure, a substantial real property at Serampore, consisting of ground, houses, paper mills, printing presses, &c., which, as originated by THEIR labour ALONE, is THEIR *private property*; and which, as they have pledged themselves that it shall not in any way benefit their families, so they have appointed *Trustees* for managing this property, and seeing that it is devoted to the Cause of God—*which Trustees are themselves and their assigns!*"

Let any one contemplate for a moment this juggle, and say whether the real intention of it can be doubted, especially when coupled with the following passage of the Explanatory Declaration of William Carey, Joshua Marshman, &c., the self-constituted, self-controlling, successor-electing Trustees, made, we believe, after the discussion with their brethren in England, in 1817:

"And they further hereby declare that it is their will, design, meaning, and intention, that no other person or persons, either in England or in India, belonging to the said Baptist Missionary Society for propagating the Gospel among the Heathen, shall have the least right or title to the property, or the administration of the said premises, unless lawfully appointed by them (the said Missionaries) as trustees for that purpose."

This self-constituting body also declare, it is true, that the property should be for ever held *in trust* "for propagating the Gospel in India, *agreedably* to the original design and institution of the Baptist Missionary Society;" but that Society is carefully excluded, as just shown, from all voice in the matter; and it is expressly stated, that the "rents, dues, net-proceeds, and revenues," shall be for ever applied, "at the will, and under the *exclusive* direction" of the said trustees and their assigns. This could afford small security against embezzlement, taking the best view of the case: but what is still worse, the validity of such a deed is considered extremely doubtful; so that there appeared no

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\* 'Oriental Magazine,' September 1824, page 85.

security except the personal characters and existence of two men well advanced in years, but their heirs or successors might shortly step into the premises, and convert them, as we before observed, into a temple of Mammon, or even of Hindooism, that which they were erected in the vain hope of destroying.

It was therefore demanded, as an act of justice to the Baptist Missionary Society, and to the Christian public at home and abroad, who had so liberally contributed towards the creation of this property, that trustees should be appointed from these several bodies, to watch over the proper application of it. We are happy to add, that after so much discussion, the wishes of the public have been so far gratified, at least as to *one part* of the Missionary premises; an efficient body of trustees having at last been appointed for the Serampore College. These consist of eleven gentlemen; comprising one from the higher departments of the law in Calcutta, one from the civil service, and one from the mercantile circle, two in England, and two in America. The treasurer of the Baptist Mission Society is one, and if the Missionaries themselves compose the rest, they will have nearly a majority always on the spot, unless the distant members can vote by proxy. On this subject a late Calcutta paper (the 'John Bull,' of February 17) remarks as follows:—

"We are glad to see this step taken by the Missionaries, even to the extent to which it has been carried: notwithstanding the *disinterested* exertions of the Missionaries, or indeed of any set of men, we cannot but 'question the security,' in regard to permanent property, like that of Serampore, while it rests on nothing better than the 'possession' of 'unimpaired confidence;' and we think the charitable public who contributed the funds out of which the property has arisen, have a right and title to some better security than this affords; we are therefore, on these general grounds, glad to see it afforded; and, if the Serampore Missionaries will follow up the step they have at length taken in regard to the college property, by a similar measure in respect to the other parts of the premises, we shall hold them in still greater honour, and admit most cheerfully that the confidence hitherto reposed in them by the public has not been misplaced. In the midst, however, of our satisfaction at seeing trustees appointed for the college property, there come certain misgivings across our minds, when we find that what is contributed towards the College out of the Missionaries' *own funds*, as they call them, is generally stated, as being laid out on the ground, buildings, and *permanent* parts of the property—what is contributed by the public is devoted to the *evanescent* objects of supporting the professors, or bringing them out from England, endowing scholarships, &c. We cannot help thinking, that it would be in every way more advisable to draw no such distinction, as the door would then be most effectually shut against any claim that may arise when the present '*disinterested*' and '*zealous*' men have passed away. The division of the proposed trustees into classes likewise appears to us a complex piece of machinery, only calculated to give rise to future disputes, as to the extent of their respective duties and rights under the trust; and we are at a loss to see the necessity for any such distinction among a body, having all but one undivided object in view—the perpetual appropriation of the property, buildings, and revenues, to the object for which public benevolence has erected them—the education of Native Christian and Hindoo youth. The first class of trustees are styled 'Trustees for the premises on which the College buildings are erected, measuring about thirty bigahs;' then we have 'Trustees for funded



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property in America,' and ' Trustees for funded property in England.' &c., but not *one trustee for the spacious College buildings themselves*, so far as we can discover or understand the matter from the published Report."

We shall not attempt to unravel this new riddle ; which is a fit companion perhaps for the investment of the *property* of the other parts of the premises in the Baptist Mission Society, while they reserved the *occupancy* and trusteeship to themselves ;---a happy solution of the famous problem which so grievously puzzled Lord Amherst and his Council ; viz. How to deprive a person of the control of his own property, so effectually that he might never resume it again ! How much wiser, in their generation, are the Serampore Missionaries, who bestow a property on the Baptist Missionary Society, over which it never had, and never can have, any control, in the whole tide of time ! As to the rents and profits of which, the Missionaries tell the proprietors that they shall never touch or apply any portion, " Never, beloved brethren, never a single farthing !"

We must now apologise to our readers for having allowed the pecuniary affairs of these gentlemen to occupy so much of our attention. It has arisen from a desire to show that we would make no charge against them, or any body of men, without sufficient grounds for so doing, and that the public may be able to judge how far the cause of Christianity can be promoted by trusting it in such hands. This reason, and this alone, induced us to take up the subject at first, not any personal hostility towards individuals who never crossed our path, whom we had no reason to regard with any other feelings than we should regard those whom we never saw, but who obtruded themselves on the public notice as the favoured instruments in the hands of Providence for regenerating mankind. Our sole object was to ascertain the reality of the mighty works which they pretended were going on for the improvement of the *People of India* ; caring little who might be the " Workers" or " Co-workers," on whom we only bestowed a slight notice of a few lines. But, in their ' Reply,' they give out that our only object could be an " attack upon them" ; assuming, with a ridiculous self-importance, that they were every thing, and the cause itself nothing ! so that while nearly forty pages are devoted to themselves, not as much as ten are allowed to the latter. In these they condescend to inform us, that the number of persons baptized by them from 1800 to 1821, was 1407 ; of these they *believe*, but cannot assert, that nearly 1000 of them were Natives of India, and have *ascertained* that nearly 700, *if not more*, were Native converts. The number of these in 1821, publicly professing Christianity, amounted in all to 469 ; about 150 more than was estimated by Mr. Adam. As a reason for not having given this information earlier, which has been for years so earnestly sought after by the public, they intimate that, as the majority of the Missionary stations were supported by their own funds, they did not consider themselves called on to render any account ; as if those only had a right to hear of conver-

sions who pay the expense of the machinery by which they are to be produced—Thus :

Baptist Mission Society,	Cr.	
By cash sent for converting the Hindoos		£20,000
Per contra—Native Converts		400

As to the value of their translations of the Scripture, so severely criticised and condemned in India, where there are many persons capable of estimating their accuracy, they say (let us again remark, with characteristic evasion) they will “reply in Britain”—where not one man in ten thousand, or, indeed, in a million, is qualified to form any opinion on the subject ! With respect to the number of versions made, they now say only six translations of the entire Scriptures were executed in twenty six years ; other twenty-three of them did not comprise more than the New Testament ; and that the difference between various dialects was so slight as to render the difficulties of the task far less than could have been imagined. ‘To this we shall add the information given in the ‘Oriental Magazine,’ viz.: It now turns out that the Missionaries were *not* the translators at all !

The versions, it appears, were all made by Natives, and Dr. Carey revised them ; the Missionaries having merely the merit of setting these Natives to work with the funds raised by the public. Besides this, after most of these thirty versions or fragments had been printed on the wretched materials described by Mr. Adam, so late as 1825, Mr. John Clark Marshman at last discovered that a much better kind of paper might be made at Serampore, little inferior, indeed, to that made in England ; and to the few versions (they could not be many) then in the press, they give the benefit of this discovery to wipe off the reproach of consigning the Sacred Volume, for above twenty years, to the most miserable kind of paper that India could produce. They tell us, indeed, of the large sums they have expended from their own funds (*i. e.*, savings) in accomplishing these objects. But what respectable mercantile house in Calcutta could not show a much larger outlay in speculations for the extension of commerce, or the improvement of the resources of the country, without the prospect of realizing for themselves half the profit which has been realized by the Serampore Missionaries ? Did they not know, that unless they filled the mind of the public with reports of their manifold translations, preachings, prayings, wanderings, and other mighty projects of conversion, the primitive sources of their joint-stock would dry up ? And, after all *their* outlay from *their* private funds, where are the sacrifices which entitle them to put in such large claims for piety, zeal, and disinterestedness ? Had they remained in their own country, when they set out, self-devoted to the cause of God, what would their situation have been ? Is it a sacrifice to exchange poverty and obscurity for luxury and splendour ? In undergoing this new species of martyrdom, they claim merit for scattering over India what are pronounced to

be wretched disfigurations of the Sacred Volume, only calculated to bring it into derision and contempt among the heathen! And who are the instruments they have employed in this work? The veriest infidels and hypocrites, such as Nathaniel Sabât, whose name was resounded through the churches of England, as the "Star of the East," the "Apostle of Hindoostan"; till this holy man, whom the Missionaries represented as a person sent from Heaven on purpose to aid them in their translations of its will,\* was found to have been availing himself of his free access to their press, to print Arabic aspersions on the Christian religion as well as the British Government. Do they claim credit for allowing the contents of the Christian Volume to be prostituted and debased by the translations of such, or still more artful impostors, who have never yet been detected? By these and such means, out of a hundred millions of people, they have, in the course of thirty years, induced three or four hundred miserable outcasts to profess themselves Christians—persons so low in intellect, character, and condition, as to bring the Christian name into contempt. For we appeal to any ordinary observer, who has ever been in India, to say, whether among the pariahs and outcasts of Hindoostan, there be a class of persons held in less esteem, even by Christians, than those called "Native Converts." With this fact before us, we cannot but coincide in the opinion of the 'Calcutta Reviewer,' that the attempts of the Missionaries at *direct* conversion, employed, as they have been, upon the most ignorant and debased part of the people, "are doing little or no good." This being the case, it signifies nothing to the world whether they have "embezzled" or merely misapplied the ample funds entrusted to their hands for human improvement. It is, unquestionable, that they have either absorbed or dissipated them, leaving the world little or none the better. That they have themselves, however, in face of the most solemn abjurations of gain, realized handsome fortunes; and, while pretending to devote these to the same cause, are maintaining an obstinate resistance to the public voice, which loudly calls on them for some better security than their own disinterestedness. If they yield this just satisfaction to the public, and devote themselves rationally and sincerely to the improvement of the Natives by education and example, we shall rejoice to see them regain that confidence which they have nearly lost for ever. But unless we see a change carried *bona fide* into effect, we cannot suffer the British public to be deluded into the belief that it is doing great things for the improvement of the Natives of the East by putting sums of money into the hands of two or three independent gentlemen at Serampore. Before concluding, we cannot help bestowing our tribute of praise on what they have done in promoting education, to which they have latterly directed more of their attention; and, we must add, that if they had done so from the beginning, they might, ere this, have acquired a just title to be ranked among the greatest friends and benefactors of India.

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\* Vide 'Oriental Herald,' vol. v. pp. 689 and 659

THEORETICAL AND PRACTICAL VIEW OF THE LAW OF LIBEL  
IN ENGLAND AND INDIA.

*Practical View of the Law of Libel in England.*

No. VI.

IN 1663, John Twin, printer, was indicted for high treason for publishing 'A treatise on the execution of justice, wherein is clearly proved that the execution of judgment and justice is as well the people's, as the magistrates' duty; and if the magistrates pervert judgment, the people are bound by the law of God to execute judgment without them and upon them.'

LORD CHIEF JUSTICE HYDE. "Then I will tell you, *we* are bound to be of counsel with you, in point of law; that is the Court, my brethren and myself, are to see that you suffer nothing for your want of knowledge in matter of law; I say we are to be of counsel with you. But for this horrid crime (I will hope in charity you are not guilty of it, but if you are) it is the most abominable and barbarous treason that ever I heard of, or any man else; the very title of the book (if there were no more) is as perfectly treason as can be."

All the judges agreed that the "printing and publishing such wicked positions was an overt act declaring the treason of compassing and imagining the King's death." Twin was executed. At his execution he said: "I do not say otherwise than that my sentence was just; but as to my ignorance of the matter of intending or imagining to foment and contrive any such thing, tending to such ends, but barely for getting a little money for my family; I was as clear as the child unborn of any other design knowingly." He declared that he had been prevented by sickness reading the MS., and the *third* day it was *searched for* and discovered.

In the same year, Dover, Brewster, and Brooks, printers and publishers, were tried at the Old Bailey for a misdemeanour in printing the speeches and prayers of Harrison, Cooke, Hugh Peters, and other regicides. Lord Chief Justice Hyde said: "And I tell you all three, it is the King's great mercy you have not been indicted *capitally*, for every one of these are books filled with treason, and you, for publishing them, by strictness have forfeited your lives, and all, to the King."

They were sentenced to fine, pillory, and imprisonment during the King's pleasure.

In 1665, Mr. Benjamin Keach was tried for writing a heretical

tract entitled 'The Child's Instructor, or a new and easy Primmer. When the prisoner attempted to speak for himself he was thus interrupted by Lord Chief Justice Hyde :—

KEACH.—“ As to the doctrines—”

HYDE.—“ You shall not speak here except as to the matter of fact : that is to say, whether you writ the book or not.”

KEACH.—“ I desire liberty to speak to the particulars in my indictment and those things that have—”

HYDE.—“ You shall not be suffered to give the reasons for your damnable doctrine here, to seduce the King's subjects.”

KEACH.—“ Is my religion so bad that I may not be allowed to speak ?”

HYDE.—“ I know your religion, you are a fifth-monarchy man ; and you can preach as well as write books ; and you will preach here if I will let you.”

OFFICER.—“ My Lord, the jury about the prisoner cannot agree.”

HYDE.—“ But they *must* agree.”

OFFICER.—“ They desire to know whether one of them may not come and speak with your Lordship about something whereof they are in doubt.”

HYDE.—“ Yes, privately.”

And then ordered one to come to him on the bench. Then the officer called one and he was set upon the clerk's table, and the judge and he whispered together a great while ; and it was observed that the judge having his hands upon his shoulders, would frequently shake him as he spoke to him. The jury returned into the Court unable to come to any agreement.

HYDE.—“ You must go out again and agree ; and as for you that say, you cannot in conscience find him guilty, if you say so again, without giving reasons for it, I shall take an order with you.”

He was at last found guilty, and sentenced to be twice set in the pillory, pay a fine of 20*l.* and to renounce his doctrine.

In this case the judge's conduct has been severely censured for its cruelty, brutality, and illegality.\* The illegality of his confining the consideration of the jury to the fact of publishing, was countenanced by the practice of a long series of judges before and after him. And as to refusing to hear the reasons of his doctrine, the law says, even since juries have been constituted judges of the matter of a publication, that “ with respect to libels against religion, morality, or the constitution, the permitting such a defence,

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\* See Mr. Dunning's Speech in the House of Commons, Dec. 6, 1770

(i. e. the truth of the statement) would be attended with consequences almost too absurd to mention. Suppose a person to publish that no overruling Providence exists; or that, to break a promise, or an oath, is a virtuous act—could the discussion of such questions be tolerated in a Court, or brought to issue before a jury? ”\*

Granting the absurdity of supposing a jury competent to determine the truth or falsehood of all the theological, ethical, and political propositions that are agitated by all the diputants in the kingdom, is it not more absurd to require them to find a man *guilty* of publishing a matter which he is not permitted to support by argument, though the verdict must necessarily depend upon the conformity or repugnance of the alleged libel to their individual opinions; and their promptitude to adjudge the defendant a corrupter of public morals, must be in proportion to their power of resisting his seductions. It is now, however, only when difference of opinion has proceeded to a *certain extent* that it amounts to an offence within the cognizance of the temporal Courts. A man may with impunity promulgate tenets the most heterodox, and, in a spiritual sense, the most criminal and dangerous; but if he advances a step further, and denies the foundation on which all orthodoxy and heterodoxy are built, he is sent to prison for his perverseness. And yet, if there is no criminality, nothing justly punishable by human tribunals in difference of opinion within a certain limit, how can criminality ever attach to it? since, after all, the wildest excursions imaginable beyond that limit, the most erroneous and censurable, are still but differences of *opinion*, and more frequently a vain effusion of mere words, and not evil actions done or meditated.

In delivering the judgment of the Court, in the case of the *King v. Woolston*, Lord Chief Justice Raymond said, that they “did *not* mean to meddle with *ANY* differences of opinion, and they interposed only when the very root of Christianity itself is struck at” by *adverse opinions*! To the same purpose, Mr. Erskine, as counsel for the prosecution of the publisher of Paine’s ‘*Age of Reason*,’ said, “Every man has a right to investigate, with reason, controversial points of the Christian religion; but no man, consistently with a law which only exists under its sanctions, has a right to deny its very existence, and to pour forth such shocking and insulting invectives as the lowest establishments in the gradations of civil authority ought not to be subjected to, and which would soon be borne down by violence and disobedience if they were.” That is to say, Christianity and civil establishments would soon be borne down by the hostility excited,—not by skilful sophistry and plausible appeals to passion and prejudice, but by *shocking* and *insulting* invectives! So long as the enemy approaches covertly, or insinuates himself under false colours into the strongholds of the mind,

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\* Starkie on Libel, p. 561.

he must receive no interruption from the law ; but the moment that he stands revealed in his native deformity, and declares fierce war against long-cherished religious and political sentiments, thereby rousing every feeling of disgust and resentment, *then* the law interposes to *protect* church and state, which must otherwise be “ borne down” and given to the Medes and Persians ! What is this, to use the words of Mr. Ricardo, but to say, “ You may discuss, if you please, in the most serious and therefore most influential manner, any topic of religion, but the moment you discuss it with levity, that is to say, in such a manner as to be sure to offend, and therefore deprive you of really acquiring any serious proselytes, then the law makes your imbecility penal” ?\* The rest of the argument, in the passage quoted from Mr. Erskine, is not more satisfactory, for though law may borrow support from the sanctions of revealed religion, where that revelation is believed, law cannot, reciprocally, support religion by enforcing the belief of it on the mind. If law does not find a pre-existing belief of Christianity, it ought to look for and accept other sanctions, and not compel men by terror to withhold the profession of their allegiance to a power in whose sanctions they *have* faith, and to attest their averments by an appeal to that in whose existence they do *not* believe. The state has fulfilled its duty, as exercising a superintending control over opinions, when, by means of its public establishments, it teaches, fosters, and rewards those of a certain description, and negatively discourages others.

In 1680, occurred the case of Henry Carr, who was tried at the Guildhall, and found guilty of publishing ‘ The Weekly Packet of Advice from Rome, or the History of Popery.’ On this occasion, the licensing act having expired, the judges were required to give an extra-judicial opinion on the subject of libels ; and they, accordingly, signed a declaration, that “ to print any news-books, or pamphlets of news whatsoever [without license] was illegal, and that it was a manifest intent to a breach of the peace, and might be proceeded against by law.” The Recorder, Sir G. Jeffries, was counsel for the prosecution, and pressed that extra-judicial and monstrous opinion (which formed one of the articles of impeachment against Scroggs) on the attention of the jury.

No more extravagantly iniquitous case can be imagined than that of the Earl of Argyle, in 1681. He was indicted for high-treason, leasing-making, and perjury, for having subjoined an explanation of the sense in which he took a contradictory and inconsistent test imposed by Parliament, in these words :

“ I have considered the test, and am very desirous of giving

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\* Speech, 1st July 1823, on the presentation of an excellent Petition by Mr. Hume.

obedience to it as far as I can. I am confident that the Parliament never intended to impose contradictory oaths ; therefore, I think no man can explain but for himself. Accordingly, I take it as far as it is consistent with itself and the Protestant religion. And, I do declare, that I mean not to bind myself, in my station, and in a lawful way, from wishing and endeavouring any alteration which I think to the advantage of church or state, and not repugnant to the Protestant religion and my loyalty ; and this I understand as a part of my oath."

Of five judges, three did not scruple to find the crime charged in the indictment to be treason and leasing-making ; and a jury of fifteen nobleman, *selected by the judges*, brought in a verdict of guilty. Sentence of death was passed, but Argyle escaped from prison and retired to Holland.

It is not necessary to go into the particulars of the cases of Fitzharris, an Irish papist, and College, ' the Protestant Joyner,' who, in the same year, were executed ; the former for words written, the latter for words falsely sworn to have been spoken. Sir John Hawles admits, that if Fitzharris had *intended to disperse* the libel which he had fabricated, for the purpose of exciting the discontented to take up arms, it had been high treason within the statute of 25 Edw. III. ! But the true design of this poor and worthless intriguer was to trepan the Whig Parliament men, and make the libel evidence of a rebellious conspiracy on their part, *which was only a misdemeanor* ; yet he says, "*it was fit to have punished it in the manner it was punished*," though an inferior court should not snatch the exercise of that power out of the hands of the highest court ! And Lord John Russell notices this instance of judicial murder in these words : " This vile wretch hoped, by making a sudden turn against the opposition, to obtain a pardon from the king ; but he was left to die the victim of his own impostures."\* The trial of College is extremely interesting. The grand jury of London threw out the indictment against him, upon which he was hurried down to Oxford, tried, and executed upon perjured evidence. Sir John Hawles says :

" It was not their innocence protected the Lord Fairfax, Sir J. Brooks, &c., but College's baffling that crew of witnesses, and so plainly detecting their falsehood, that the king's counsel never durst play them at any other person but the Earl of Shaftesbury ; and failing there, they were paid off and vanished."

In 1683, the Duke of Ormond brought an action of scandalum magnatum against William Hatherington, for *saying* that he was a Papist, and in the Irish plot, and obtained a verdict for 10,000*l.* damages ! He brought another action against Sir Francis Drake, for words spoken *four* years before ; but Sir Francis disposed of

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\* ' Life of William Lord Russell,' vol. i. p. 275.



his estate, which he must otherwise have lost, and absconded. No comment can do justice to the enormity of these outrages on humanity.

In 1684, Thomas Rosewell, a Dissenting teacher, was tried for high treason, to prove which the only overt act was a sermon which he had preached. Three women deposed to the same passages, and had no recollection of any other parts of the sermon. There was the clearest proof that they were suborned to swear falsely, yet the Jury found him guilty. Counsel were assigned to argue on the insufficiency of the indictment, though a copy of it was *refused*, as usual. No judgment was given, and next term Mr. Rosewell pleaded a pardon.

In 1685, Sir W. Williams, who had been Speaker of the House of Commons, was prosecuted for printing Dangerfield's Narrative as part of a Report by a Committee of the House of Commons. His plea that it was a parcel of the proceedings of the House, was over-ruled as idle and insignificant. He was fined 10,000*l.*, and on paying 8000*l.* of it, satisfaction was recorded.

In *Rex v. Wright*, on a motion for a criminal information against a bookseller for printing and publishing a Report of the House of Commons, (on his own private account, the Report having been previously printed by order of the House,) charging the prosecutor, John Horne Tooke, with treason, the court, per Lord Kenyon, ruled: "That the Report in question being adopted by the House at large, is a *proceeding of those, who, by the constitution, are the guardians of the liberties of the subject*; and we cannot say that any part of that proceeding is a libel."

Afterwards, in *Rex v. Creevey*, it was decided, that the publication by a member of the House, of a correct report of his own speech, is no sufficient defence of the publication. Yet it has been well contended: "that the business of the House consists in making and hearing speeches principally; and a speech made and heard, is strictly a *proceeding*, as much as a report of a committee. The printing of the report (by Wright) it must be remembered, was the act of an unauthorized individual. To print the speech was as much the publication of a proceeding, as to print the report: and strictly speaking, both publications were equally irregular, and with reference to the House, equally a breach of its privileges."\*

No law can be wise and just in theory, which is not, as a general rule, reducible to practice; but in the infinite majority of instances to which the English law of libel is applicable, it is considered morally and constitutionally impossible to carry it into execution. What would be the consequences if the publishers of the parliamentary debates were prosecuted by all who found their "*abilities*

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\* 'Edin. Review,' No. 58, p. 117.

*rendered ridiculous,"* or their "*feelings violated,"*† while they were, on the other hand, summarily punished by the House for breach of privilege?

In 1687, the Rev. Samuel Johnson was tried for writing and publishing two scandalous and seditious libels on the admission of Papists into office, &c. The jury were charged to find only the facts of writing and publishing, and having given a verdict against him, he was sentenced to pay a fine of 300 marks, to stand three times in the pillory, to be whipped from Newgate to Tyburn, and to be degraded from the order of the priesthood, by the Bishop's Commissioners for the diocese of London. In 1683, he had been fined 500 marks for publishing "*Julian the Apostate.*" In 1689, parliament resolved that the judgment against him was cruel and illegal. He obtained no preferment; but the King gave him 300*l.* a year out of the Post-office, for the lives of him and his son, besides 1000*l.* in money, and 100*l.* a year to his son.

CATHARINE ULRICA'S SONG.†

LOVELY is eve, in soft green billow  
 Bathing her cheek and her golden locks;  
 When the pure moon makes her bosom her pillow,  
 And silvers the verdure that clothes the green rocks;  
 But lovelier far would the eve and moon be,  
 Did they shine on the land of the blest and the free!

Sweet is the breath of the northern spring morning,  
 When the dark sleep of the winter is past;  
 And on the hills the fair day-star is burning,  
 Burning as if it were ever to last:  
 But sweeter the breeze and the day-star would be,  
 Did they breathe and beam over the land of the free!

Fast do they fly from Swerigia's mountains,  
 Dark in the north the chill snow-clouds appear;  
 Bound to their hills are the soft-flowing fountains,  
 While o'er their bosoms the wild winds career:  
 But, my country, the beam of the day-star would be  
 All unmourn'd if sweet Liberty's shone upon thee.

Oh, when on thine hills shall its bright-beaming light  
 Break through the dark shadows of slavery's night!  
 Oh, when shall thy pure-falling beautiful snows  
 Be untrack'd and untrod with the footsteps of foes!  
 And the loveliest land that the day-star can see,  
 Will not be so beauteous, beloved, as thee!

\* Expressions of Lord Ellenborough, in the King v. Cobbett, and King v. Johnson.—'East's Reports.'

† From the '*Wanderer of Scandinavia*,' vol. ii. p. 96.

SPECIMENS OF THE PUBLIC JOURNALS, AT CALCUTTA, SINGAPORE,  
AND THE CAPE.

It has been generally admitted that the periodical literature, of any age or country, is as unerring a standard as could be chosen, by which to determine the claims of the society in which it flourishes, to mental rank among their contemporaries. The 'Edinburgh' and 'Quarterly' Reviews contain each a fair picture of the minds of the leading classes, in the political circles of England. The 'Times' and the 'Courier' present as accurate a portraiture of the sentiments entertained by the leading parties among Newspaper readers of the present day. There are shades of gradation connecting the wide extremes, which these Quarterly Periodical and Daily Journals may be said to represent. But the great circulation of each of these leading organs of the two great opposing parties in the state, compared with the languid and obscure existence of almost all the moderate or neutral publications in the country, proves, beyond a doubt, that the great mass of the community at least is divided into two great parties, each having distinct and decided opinions on all great topics of public interest, while the indifferent or the neutral are so few that mere trimming moderation under the mask of affected impartiality, or trifling inanity, finds little or no sympathy from any class, and is consequently nowhere to be found in a high state of circulation or popularity.

The inference fairly to be drawn from these facts, as applied to the people of England, would exhibit that portion of them, by which periodical publications and daily journals are chiefly supported, as persons of a high order of intellect, all earnestly intent in encouraging the promulgation of their respective sentiments on public affairs in general, and deeply interested in maintaining, by bold and frequent discussion, what they respectively consider (however erroneously) to be most conducive to the welfare of the state. There is no doubt that the extent to which this spirit is indulged, depends as much upon the nature of the institutions under which men live, as upon their intellectual powers or dispositions, if indeed these are not themselves altogether the result of such institutions; but, be its cause what it may, all parties concur in admitting that wherever men are seen to take a deep interest in the public affairs of the country in which they live, they present greater claims to our respect and esteem than where they are seen occupied in frivolities, and, either from timidity or disinclination, afraid to approach the contemplation of the higher duties of their species.

We were recently led into this train of reflection, by the simul-

taneous receipt, by the same post-man, of three Eastern newspapers; the 'Singapore Chronicle' of the 2nd of February, the 'India Gazette' of the 2nd of March, and the 'South African Commercial Advertiser' of the 31st of May, and 7th of June, 1826. The first of these papers, which has only attained its 46th Number, which is smaller in size than any newspaper now published in England, and which, in the small settlement of Singapore, a colony but of yesterday's formation, cannot have one-tenth the smallest number of readers or purchasers that is found to be indispensable to the support of an English paper, is nevertheless marked by a steady attention to the great interests of the community in which it circulates, by the able and fearless advocacy of their political and commercial rights, and by such investigations as do equal honour to the ability of its conductors, and the good sense as well as good taste of the readers by whom such a journal is supported. The third of these papers is also comparatively in its infancy, having attained the 22nd Number of its second volume at the date already indicated. The size of this is also confined to a small single sheet, the space of which is reduced to one-half, by the necessity of printing its original matter and selections on the one-half sheet in English, and on the other half sheet a literal translation of the same in Dutch, in order to make its pages serve for the perusal of the two great sections and languages into which the community at the Cape is divided. The circulation of this paper, judging from the number of the reading population at the Cape, can hardly be greater than that of the 'Singapore Chronicle,' each being necessarily restricted by the limited nature of the society by which they are supported. Nevertheless, the 'South African Commercial Advertiser,' like its contemporary of Singapore, is marked by a serious and unintermitted attention to the great local interests of the country in which it is published, by a bold and uncompromising advocacy of the political and commercial interests of the community through which it circulates, and its strictures are characterized by a union of talent, industry, and independence. It should be repeated, that each of these journals is the offspring and the organ of a "very limited society," in which it has always been contended, by the enemies of liberty in England and India, that a free press could not possibly exist, without subverting all authority, and overturning the Government of the country. This argument was meant to show the impossibility of permitting freedom of discussion in India itself, without imminent hazard, if not certain destruction, to the established Government of that country; when it was said that, in so "limited a society" as that of the English in India, a Free Press could not exist without producing infinite evils, and without at last wresting all power from the Government, and centering it in the hands of the "ignorant and mischievous faction" by which

such freedom of discussion might be exercised.\* The existence of the two free and fearless Papers that we have named, each in a society a hundred times more "limited" than that of British India, with continual benefits resulting from their bold and powerful strictures, and no one public evil yet attributable to their influence, is a sufficient answer to the imbecile or hypocritical prediction of evil in which the great apostle of darkness and slavery indulged when he forged new chains for the necks of his unresisting countrymen. But while freedom of discussion has given birth, stability, and character to the Press of the smaller Colonies of Singapore and the Cape, what effect has the suppression of this freedom had upon the Press of India? When the new laws of Mr. Adam were passed for prohibiting certain topics familiarly touched on by any of the public writers in Bengal, it was added: "The foregoing rules impose no irksome restraints on the publication and discussion of *any* matters of general interest relating to European or Indian affairs, provided they are conducted with the temper and decorum which the Government has a right to expect from those living under its protection; nor do they preclude individuals from offering, in a temperate and decorous manner, through the channel of the public newspapers, or other periodical works, their own views and sentiments relative to matters affecting the interests of the community."† Let us see, then, how these laws have operated, and what are the subjects chosen by "individuals" on which to express their sentiments; what are the highest description of objects supposed to interest the Indian community; and what are the topics that engage the thoughts and pens of some of the leading public writers in this renovated society. We have mentioned that the 'Singapore Chronicle' and the 'South African Commercial Advertiser,' each so ably and usefully conducted, though supported only by a very "limited society," have neither of them completed the second year of their existence. We may add, that the 'India Gazette,' with which we are about to contrast them, had reached, on the 2nd of March, 1826, its 46th volume, extending to 2,539 weekly Numbers, and making it nearly half a century old. It is the paper of the Supreme Court of Judicature in Bengal, and enjoys its especial patronage as the organ of all its official legal announcements. It is the wealthiest paper in India, whether as regards the amount of capital embarked in it, or the amount or rate of profit yielded to its proprietors. It is conducted, we believe, by a member of the East India Company's Service; and we understand that it still maintains its circulation as the largest enjoyed by any paper in India. There are many reasons, therefore why it should be one of the *best* papers in the country, having greater inducements to the exercise of talent, and more

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\* See Mr. Adam's celebrated Manifesto against the Freedom of the Indian Press.—*Oriental Herald*, vol. i. p. 300.

† 'Oriental Herald,' vol. i. p. 126.

abundant means to reward its exertions than any of its contemporaries; and we do not know of one which can be urged in excuse for its failure to occupy that commanding station. That the English reader may judge for himself, as to the character of its Correspondents and its Editor, we will lay the contributions of each before him, and let him draw his own inference.

The following is the *only* communication of a Correspondent, contained in the Paper of the 2nd March 1826:

## CORRESPONDENCE.

*To the Editor of the India Gazette.*

SIR,—Since *custom*, says Lord Bacon, is the principal magistrate of man's life, let men by all means endeavour to get good customs. This is an adage peculiarly gratifying, and does no ways apply to any kind of imposition, but simply advises to do that which may be acquired without difficulties: and as the evil propensities have more influence on the mind than good, it naturally follows that the admirers of the former are more numerous than the latter; but how beneficial it would be, if every thing is practiced by custom that has a tendency to the improvement of the mind, and to the welfare of domestic happiness. This, I suppose, is the best method by which a man can avoid every *injurious* custom, notwithstanding that which places them in the eyes of the learned as despicable beings! I shall not engage your valuable column to no purpose, but would say something which induced me to write this, provided you should not think it unworthy for insertion. I leave, however, to your disposal.

In this City of Palaces, every sort of prevailing vices is attributed to customs; and as I have, from henceforth, been a bitter enemy to that class of people who infests the society of the *fair sex*. I allude, Sir, to *segarsmoker*, who, (mark, reader, according to customs) takes a long segar into the mouth, and begins to give out *grammatical puffs*, allow me to use a phrase, to the annoyance of the beauties. This does not only deprive them from conversation, but *evidently* distempers their sensitive organs, and thus a confusion takes hold of their cranium, which entirely precludes them from the precious moment of *tele-a-tete*. In my opinion, I consider it to be a nuisance, and I think there is hardly any benefit derived by using it, but, on the contrary, it is most injurious to the palate, and doubtless, by constant practice, prove injurious to the constitution. This, and other similar practices, were the invention of that class of people under the denomination of “*idlers*.”

I am, Sir, yours obediently,

C. G.

*Calcutta, 1st March, 1826.*

This letter was so acceptable to the Editor, that it was immediately adopted as worthy of publication. It did not, as the date will show, remain a single day unnoticed: nay more, it was not only worthy of being printed, but of forming the chief topic of the Editor's own remarks.

The following is the “leading article” of the ‘India Gazette’ of the 2d of March 1826, which we give entire, as it presents a picture which few would suppose possible, unless they saw it for themselves; for no true representation of it by abstract would be credited. It is in these words:

## EDITOR'S LEADING ARTICLE.\*

Perhaps our readers will consider it unreasonable of us to complain of want of matter, so soon after the receipt of our English files for September. So it is however; and although we have abundance to fill our selection department, we feel at a loss to fill the Editorial column. Bhurtpore has ceased to be an object of interest, save as respects the prize question; the undivided attention of our quidnunes, therefore, turns again to the progress of our army in Ava, of which, it is to be hoped, we shall soon have satisfactory accounts by the *Enterprize*. To speculate upon what may be the result, would be useless, since the Burmese are such an extraordinary people, that all calculation respecting their probable movements are thrown away.

The weather, though an universal subject, is unfortunately one that is soon exhausted; for, if we make the profound observation, that the weather is very warm for the season, we shall be answered that it really is, *very*. What next?—The Theatre? So we are to have a play next week. What play?—*Pizarro*. The cast, so far as we understand, is not yet quite settled, but we have heard that the principal parts are in excellent hands. *Pizarro* to be by the Mr Harlow of the "*Old Maid*"; *Alonso* to be personated by the gentleman who made his debut in *Clermont*; and *Rolla* by the Duke of "*High life below stairs*." By the way, in our short account of the last play, there is an error that we take this opportunity of correcting, viz. "*The only fault to be found with Lovell was, that he looked too much like a gentleman.*" We meant the Duke, and not Lovell. As *Pizarro* is a splendid and popular play, and has not been acted here for four years, we doubt not but it will attract a very full house. If it be possible to paint the wall of the house of a different colour before it next opens, it is a consummation devoutly to be wished for.

A Correspondent grievously complains of a custom more honoured in the breach than the observance,—a custom, by the way, not to be attacked without risk, for its votaries are a very strong party: we mean *segar* smokers. Our correspondent appears to feel very acutely on the occasion, and we heartily sympathize in his distress; for who will not readily allow, that smoking, in our correspondent's very expressive language, "*does not only deprive them (the ladies) of conversation, but evidently distempers their sensitive organs.*" Now we cannot help observing, that this requires the serious consideration of the Magistrates, and we, for one, must remonstrate against the atrocity of distemping the sensitive organs of man, woman, or child. If this is not felony, it ought to be made so; but our correspondent has a more interesting cause of complaint—one, indeed, that every admirer of "*the Beauties*" must at once feel the force of: he says, that this awful *segar*-smoking, not only deprives the ladies *from* conversation—not only "*distempers their sensitive organs,*" but that "*a confusion takes hold of their cranium, which entirely precludes them from the precious moment of *tele-a-tete*.*" We trust our correspondent's appeal may have some beneficial effect, and act as a check upon those dreadful fellows who go about making confusion in all their friends' crania, and precluding all the beauties "*from the precious moment of *tele-a-tete*.*" The gentility of smoking in the presence of ladies, is the only thing in favour of the practice; for our polite readers must be quite aware that the acmé of good breeding and *haut-ton*, is to pull out a *segar* and smoke away. It has a most pleasant effect in wearing off the reserve of a first meeting; and if a man has a sufficient tact, he may soon smoke himself into the good graces of some scornful fair one. Indeed, all circumstances considered, perhaps it is the best plan possible for making an *impression*, and showing the fair one that the gentleman has something uncommon about him. Under a cloud of smoke, productive of that "*confusion*," to which reference has been made, a *Lothario*, of any *nous*, would be certain of carrying all before him.

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\* From the 'India Gazette,' March 2, 1826.

If the reader is disgusted at such a mental portrait as this, presented on the pages of one of the oldest, wealthiest, and most widely circulated papers of British India, he must transfer a portion of his indignation to the memory of the man whose degrading laws may have hastened this retrograde movement in the tastes and feelings of Indian society, and the remaining portion to the writers who could conduct, and the readers who could be so insensible to their own reputation, as to extend their support to so wretched an apology for a public journal as this. If they do not feel shame and sorrow when they recognize the picture again, they must be far less sensitive on the subject of their reputation as a community than they used to be, when freedom of discussion was one of their enjoyments. A reproach on the independence, on the gallantry, on the hospitality of the people of Calcutta, would, in days of yore, have sounded the tocsin of defiance and revenge in every palace of its superb city, and the unhappy utterer of such a reproach would have been called on to answer at the bar of public opinion for his hardihood and daring. On one occasion, we remember, when the writer of a certain letter, signing himself "One of the Many," insinuated in gentle terms that those who served in the army could not venture to express their opinions too freely without danger to their prospects of employment and promotion; the war-cry was raised, and repeated from station to station, throughout all India, denouncing the writer as a wretch, and calling upon the whole army to show their sense of the insult, by expelling the paper in which this letter appeared from their Messes and Reading Rooms for ever. On another occasion, when the same Journal advocated the doctrine that men holding public trusts to which they were originally elected by the voice of their fellow citizens, ought to be accountable to those who not only placed them in office, but entrusted them with the distribution of charitable funds exceeding 10,000*l.* a year; a clamour was raised by a large portion of the society, who thought it an insult to the honour of the persons holding the trust, to suppose that any account of its administration should be asked of them, or that any one should presume to oppose their self-re-election to office every year with closed doors, and without admitting a competitor. On a third occasion, we remember a superannuated General, now in England, summoning all the officers of his regiment at their head-quarters, to pass resolutions for expelling a public Journal from their Reading Room, because it insulted the society, by venturing to suppose that the rulers under which they had the happiness to live were not infallible; and that it would be useful now and then to remind them of their duty. We cite these cases as well known in India, and not altogether unheard of here, to prove that, under a former state of circumstances, the society of India was at least alive to insults on its reputation, though often mistaken as to their interpretations, as well as to the means by which they could be most appropriately repelled. But



it must be admitted that now, to whatever cause it may be attributable, either such a sensitiveness no longer exists, or that the society of India does not conceive its reputation for good taste, talent, information, dignity and high-mindedness, at all affected by the circulation, not merely in their own community, but in other distant quarters of the world, of a paper called the '*India Gazette*,' bearing upon its front the impress of its age, showing it to have endured for nearly fifty years, and containing such a picture of mental imbecility as the members of any intelligent and public-spirited society ought to shrink from with distaste. Such a society ought either to counteract, obliterate, or replace this by something more worthy of themselves, either by a universal petition to the Legislature to loosen the chains that bind them, if these be the cause of the humiliating change, or by subscribing a sum of money among themselves, to set up a Paper worthy of being considered the organ and representative of the public mind of India, if the fetters alluded to are *not* the cause of the degradation with which this "*Leading Journal*" of India must impress all who see it, and which, from its title, age, and long established circulation, will be regarded as a faithful index of the state of taste and feeling in the society to which alone it owes its protracted existence.

We quit without reluctance this painful train of reflections, to give our readers something more agreeable to our own views and tastes, from the two other papers mentioned to have been received in the same hour with the '*India Gazette*.' The article from the '*Singapore Chronicle*' is neither so generally interesting, nor so important as many that have appeared in its pages, for no publication can hope to be equally attractive in every portion of its contents. But it is sufficient to show that while the lowest description of frivolity was all that could be gathered from the "*leading article*" of a Bengal paper of twice or thrice the size, the little sheet of the '*Singapore Chronicle*' was nearly filled with discussions of great local interest, and of general importance to the best interests of mankind. Its pages are occupied with useful matter well condensed and arranged; and the remarks of the Editor himself, in illustration of the subjects under review, are such as show him to be intent on the true business of a public writer, which is to assist every member of the community to think and act on sound principles in matters in which the interests of all are involved. The following are the articles we select from one small sheet, scarcely larger than a sheet of common letter paper, for the 2nd of February 1826:

#### CUSTOM HOUSE DUTIES.\*

'We ought to have noticed in our last the establishment of Custom House duties at Pinang, by proclamation, of Government to take effect from the 1st ultimo. A report of the circumstance had then only reached us, but in another

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\* From the '*Singapore Chronicle*' of February 2, 1826.

part of our paper we are now enabled to give a copy of a remonstrance addressed on this subject, by the merchants of Prince of Wales' island, to the Local Government, together with the official reply made, which they have received.

'As the proclamation of Government merely notifies the re-establishment of duties which had been suspended by a previous proclamation, to which, from not possessing the document, we can make no reference, we are unable to state with accuracy the precise nature of the duties which have been restored; but from the sensation which the measure has excited, we presume that the effect is to place the port of Pinang on the footing that it possessed prior to the formation of a settlement at Singapore.

'As it is not the mere amount of duties to be levied that is likely to injure trade, as the harassing vexatious delays and formalities inseparable from the machinery of a Custom House, we are surprised that the commercial community of Pinang, did not endeavour to make an arrangement with the Government, for the payment into the public Treasury of the net revenue accruing annually from the Custom House duties. We mean, of course, the net amount available to the public service, after deducting the charge of collection. The arrangement might not be easy of adjustment, but to avert the evils of the system which has been established, any reasonable sacrifice ought to have been submitted to.

'We are at a loss to conceive how the establishment of duties at Singapore, can be considered tantamount to the abolition of duties at Pinang; yet this appears to be the alternative which the reply of the Pinang Government would seem to indicate as suited to the wishes of the merchants of that settlement, if not to the circumstances of the case.

'It will be observed, that while the Government intimates its determination not to forego the advantages to be expected from custom duties, it is added "that as it may be confidently expected that final arrangements will soon be made in respect to the public administration of Malacca and Singapore, the Honourable the Governor in Council will not fail to recommend, and endeavour to establish, one general system for all the settlements in respect to custom duties."

'We consider the views and intentions thus officially promulgated to bear on points of more material importance to the commercial interests of this settlement, than any other subject connected with it.

'The necessity of contributing towards the support of an establishment from which we derive protection, will be admitted by every reasonable man as fair and just; but an objection may exist to the mode, although not to the amount of the contribution. By the wise and judicious system hitherto pursued at Singapore, the revenue for the year 1824 was more than adequate to the ordinary charges of the civil and military establishment. The income for that year being, as exhibited in our paper of the 23rd of June last, 87,262 dollars, and the expenditure 87,208.

'Such a system we should be disposed to hold up rather as an example for imitation than demanding correction. The legitimate claims of Government, in any circumstances, could hardly require more—the liberal system of the Bengal Government seldom exacts so much; but even if some increase to the local revenue were necessary, we doubt not that it could be easily raised without recourse to the establishment of custom duties, by far the most obnoxious and injurious to the interests of such a settlement of any system of revenue that could be adopted.

'Whatever may be the merits of the project for giving one uniform system of such duties to the eastern settlements, and it may be one more reasonable in theory, than judicious in its practical application, it is not to be overlooked that an error on such a point will be attended at Pinang with comparatively unimportant consequences to what must follow if a similar experiment were to be hazarded here—a harsh and severe system of fiscal regulations may disgust the Native traders, may lead them to avoid the port of Pinang, and

may force our traders to seek *their* ports instead, but this will be the worst of it, and it is bad enough. The circumstances, of Singapore are, however, widely different, inasmuch as that any mistake or false step here immediately throws the native trade into the Dutch ports, now opening on every side of us for its reception.

‘ The free Dutch port of Rhio is not more than seven hours sail from where we write. Affording a protection in every branch of it as efficient as exists at Singapore, there is no encouragement that is not held out to the capitalist who may settle there, and whether it may suit the holders of *fixed* property at Pinang or Singapore to change their domicile, will be a question of little importance, while others can be found in abundance to occupy so promising a field for commercial enterprise.

‘ With the start that we have got of these neighbours we do not, under present circumstances, apprehend any risk from their rivalry; but it were a waste of time to go into any detail in establishing that the native trade will only be attracted to our ports while we give it the same favourable reception that it will so easily find at Rhio. In fact, with their numerous stations scattered over the Archipelago, and the influence the Dutch are thereby enabled to exercise, it will probably require the most delicate management to maintain *ceteris paribus* the ascendancy which a liberal and enlightened policy has alone given to us.

‘ The first operation of the new Royal Dutch Company to China took place last season; and if with a view to the prosecution of that trade they shall follow up the intention of establishing a *depôt* for straits produce at Rhio, we may expect in every branch of the commerce of these countries to meet with the most decided and determined competition. Out of such a state of circumstances, if met with prudence, nothing but ultimate good can ensue—and while our merchants are left to the free play of their energies, we look with confidence to the issue without the protection of any immunities or privileges, excepting what may arise from the absence of all useless and unprofitable restrictions.

‘ What the consequences may be if our councils should be animated by a different spirit we can hardly venture to predict; but to those whose province it will be to entertain the question, we shall merely suggest the consideration of the numerous and spirited class of individuals whom it affects through whose energy and vigour the present trade of Singapore has been created, and who have within six years invested a fixed capital in the *soil* of not less than 700,000 dollars.

‘ Such interests, independent of their connexion with objects of national importance, ought to be approached with cautious tenderness, and it were unjust to apprehend any intentional sacrifice or disregard of them, under an accurate or practical knowledge of the subject with which they are involved.

‘ The remonstrance of the Pinang merchants is not calculated to have much weight in any way either as regards their own interests, or those of our settlement. It appears to us to be a feeble production, loosely, vaguely, and injudiciously made up.

‘ The injury done to Pinang by its vicinity to the *FREE* Port of Singapore, embraces the substance of almost all that has been advanced at such length on the occasion, the decrease of their trade being the unhappy consequence which is alleged to have ensued.

‘ In one of our numbers for October we took occasion to show in detail and by reference to facts, that this opinion was erroneous; and we are truly glad in being now supported by the high authority of the Pinang Government in what we then stated regarding the trade of that port.

‘ The Secretary to Government informs the merchants, “ that it has appeared to the Governor in Council from official, and therefore authentic, records, that the *aggregate of trade has by no means diminished.*”

‘ Viewing the two stations merely as commercial *depôts* situated at the dis-

tance of four or five hundred miles from each other, we think that under the existing circumstances of the surrounding countries, there is some absurdity in asserting, as is done by the merchants of Pinang, that the *legitimate* trade of the one settlement can be directed or attracted to the other by merely such a difference as the amount of duties can create. On the article of sugar, for instance, which they adduce, the duty imposed at Pinang is six per cent., or about one-third of a Spanish dollar per picul.

'While Pinang was the only station occupied by our nation to the eastward, doubtless some of the trade, which is now conducted with so much greater convenience and advantage at Singapore, might from necessity have centered at the former settlement; but the result now stated by Government, of no decrease in the aggregate trade of Pinang, clearly shows, that what may have been lost in this way has been fully compensated in another shape; while, as we have formerly shown, the British trade in these Straits has been more than quadrupled within the last six years,—that is, since the establishment of the new emporium.

'The merchants of Pinang state in rather a *plaintive* strain that "the country ships, that never failed to touch and trade at their island in their way to the Eastward, now pass unregarded!!" But would the establishment of duties at Singapore avert this calamity? On ordinary occasions we consider a detention of three days to be the least that is incurred by a vessel touching at Pinang on her voyage to or from the eastward. The visit to Singapore can be effected without prolonging the voyage so many hours.'

We turn from this pleasing specimen of a paper, published in a "limited society," to one not much larger in size, deducting the space allotted to a repetition of its English contents in the Dutch language, the '*South African Commercial Advertiser*.' Our readers will, perhaps, remember, that this is the Paper originally established by Mr. Greig at the Cape of Good Hope, and soon afterwards suppressed by Lord Charles Somerset. Mr. Greig having come to England to obtain redress for this injury, was permitted to return to the Cape, with an order from Lord Bathurst for the restoration of his printing materials, and permission to re-establish his paper, which enjoys a high and deserved popularity among the inhabitants of that Colony, and is now published twice a-week, instead of once, as formerly—the forcible suppression of free discussion having, as is usual in such cases, increased the desire for its enjoyment, and doubled both the number of readers and the frequency of publication. The communications of correspondents to this Paper are numerous, and, as well as the Editor's own strictures, directed to really useful subjects. We subjoin a few examples to contrast with the wretched inanity of those selected from the '*India Gazette*.'

#### EVILS OF COLONIES.\*

'The political evils of most Colonies may be traced to some fundamental error committed by their founders. The curse of the Cape has been a notion, imported with its first rulers from Germany, where, thanks to the Holy Alliance, it is still maintained in its original purity, that a people should never be allowed to think for themselves, but that their rulers should take the whole trouble of directing and superintending, as well as consuming the produce of their labour from their shoulders, leaving to the subject nothing beyond the mere mill-horse duty of dragging blindfold in a perpetual round.

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\* From '*The South African Commercial Advertiser*,' of May 31, 1826.

'The English Colonies in North America were first settled by a people who could estimate the value of liberty. They fled from the persecution of a ruling party to the transatlantic forests, and were permitted, as they had then nothing worth despoiling them of, to govern themselves as they thought fit. Individuals, when legislating for others, may conceive that they have separate interests, and act accordingly. But the judgment of a whole people is seldom incorrect, and when passion and prejudice are under proper control, never wrong. The American Colonists were legislating for themselves and their posterity, and wisely chose the simplest, least expensive, and most effective form of government that ingenuity, guided by the best model on earth, could have invented. Their Constitution imposed no unnecessary restraints. Every thing, not expressly prohibited, was lawful. Men were allowed to rule themselves and to manage their own affairs their own way, unless when their separate interests clashed together. Disputes were not left to the arbitration of a partial or corrupt Government, but decided upon by independent and upright judges and juries, whose integrity was preserved by the jealousy of a free people, and the watchfulness of a free press. No law was made, or tax imposed, without the consent of the people, who pledged themselves to submit to the one, and to pay the other, through their freely elected and assembled Representatives. To describe what the American Colonists did not do, would convey the most severe satire on what the African Representatives of the Dutch East India Company and their English successors did. Their personal interests were diametrically opposite to those of the American Legislators, and the avowed object of the Dutch Company was to cramp the growth of their Colony. The English Government pretended to something better, but did worse. Restraints were invented and imposed without mercy. Every thing, not expressly permitted, was considered to be prohibited. Men were supposed to be mere machines, to be wrought, taxed, or insulted, as the caprice or passion of their rulers directed. If these sages had been phrenologists, they would have followed up their principle, by moulding, as the Tartars are said to do, the skulls of their subjects in blocks,—as it was, it was no fault of theirs if their system of government did not make blockheads of them. It was a capital excuse for the framers of this system, that their subjects were discharged soldiers, and the sweepings of jails and hospitals in Holland, and their English successors, guided by the treacherous subserviency of some persons they found in office here, have not been backward in availing themselves of a similar pretext for oppressing their descendants.'

#### REPRESENTATIVE ASSEMBLY.\*

'A few weeks ago we alluded to some of the advantages which this Colony would gain from the establishment of a Representative Assembly, in checking, or rendering ineffectual, the silent, powerful, and ever-active conspiracy of those who govern, by uniting the people, and restoring into their hands the power of enacting laws, and of levying taxes, by the produce of which the operations of the executive are of course controlled as well as supported. When the magistrate is permitted not only to administer but to frame the laws, he assumes at the same instant the right of interpreting them. When to these are added the privilege of suspending their operation, increasing or contracting their provisions, and of rousing them suddenly into full activity for the purposes which he may or may not avow, as he thinks fit, it must be obvious that the liberty and safety of every man under his authority, may be endangered or even destroyed by him at his pleasure. This condition would be sufficiently humiliating—yet the Cape system did not end here. The amount of the taxes was determined by those who had the sole direction of the public expenditure. It was not therefore a matter of surprize, that something more than the sums required for carrying on the necessary functions of Government was drawn from the pockets of the people:—that the most ex-

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\* From the 'South African Commercial Advertiser,' of June 7, 1826.

pensive regiment in the world, with the exception of the Horse Guards, was stationed on the frontier of the poorest of colonies, to repel the incursions of a few naked savages ;—that extravagant buildings were every where erected at the public expense, to satisfy the vanity or avarice of individuals :—that a continual borrowing should be carried on, by means of a depreciating currency, to swell the salaries of unnecessary functionaries :—that public lands, instead of being sold, or otherwise rendered profitable to the treasury, were lavished on the relatives and favorites of those in power ;—that contracts for public works were generally granted to those who either personally, or by means of their brethren in office, had decided on the propriety of such undertakings, as well as on the sums to be expended on them, and who finally took them over from the hands of the contractors ;—that in one instance an establishment, standing the public, in salaries alone, upwards of seven hundred pounds sterling, was appointed to watch over a revenue which never exceeds in any year, the sum of five hundred dollars ;—and that this system, in short, should terminate in the depression of all the interests of the Colony, the ruin of thousands of individuals, and the most disgraceful bankruptcy on the part of Government, that ever took place in a civilized country.

‘ These things are not mentioned for the purpose of heaping obloquy on those who were selected to rule us, or who engaged in any of the transactions alluded to, and who may defend themselves by pleading not only the inherent unfitness of the system for producing better effects, but also, perhaps, the *weakness* incident to all men, but especially to those in authority, of preferring their own immediate interests to the permanent good of the community ;—but they are now recapitulated as the best of arguments for a total change in the Constitution of our Government, and for the construction of another, which shall provide for ever against the recurrence of such abuses. It is not the removal of this or that person from an office, the powers of which he may be suspected of having rendered subservient to mischievous purposes,—but the abolition of that office, and the extinction of those powers which inevitably foster selfishness, extravagance, and tyranny in the bosoms of those who are so unfortunate as to hold them. That one man—and that one man a stranger, neither appointed nor maintained in office by the people over whom he has to rule—should be able, amidst his various functions as governor, legislator, judge, general, admiral, &c. &c. &c., to act with sound discretion in balancing the jarring interests of an extensive community, filling the subordinate departments with proper subjects, and watching them with diligent care in all their proceedings, drawing neither more nor less capital from useful and productive employment than the public service requires, and above all, conquering in himself the craving wish to intermeddle with the trade, commerce, agriculture, or private pursuits and speculations of his subjects, for which the very fact of his possessing supreme power totally unfits him—and all this without being aided by any constitutional means of consulting public opinion—that one man should be able to do all this, is without doubt impossible. It would require faculties which no man ever possessed. It would demand attributes which do not belong to man. He must be able to divide himself—to be in five hundred places at once—to be invisible—attributes which the Civil Servant himself never ventured to ascribe even to those paragons of the earth, the Cape Governors.

‘ It would be a waste of time to consider whether the appointment of a council, consisting of a few of the chief functionaries about Cape Town, and officers of the garrison, most of whom are removable at pleasure from the offices in right of which they hold their seats in it, was designed merely to protect the Colonists against the Governor, or the Governor against the Colonists, during their present troubles ; or is intended to form a part of the new order about to be introduced. For a check, they are too dependent ; as advisers, they are too few, and too little under the eye of those whose interests they may be called upon to deliberate on. The people have no voice, directly or indirectly, in their election, no means of knowing their principles

or their opinions, no control over their conduct, and consequently that very little about them. A government, constituted as ours is at present, may abstain from evil and do good for a time, but, for the purposes of *good government*, an establishment is necessary whose very forms shall secure the rights of the colony, whatever may be the character or views of the men who happen to be in power. Public opinion, in short, must be admitted, on a sound footing, into the councils of the Governor.

‘ The objections to the introduction of a representative assembly shrink from investigation ; indeed, they cannot now be seriously urged. In our last we pointed out the interest the rulers of former times took in undervaluing the character of the first inhabitants of the Cape ; founding, upon the assumed demerits of their subjects, a claim to extend their power of interfering in all their concerns. The same course was taken by their successors, on the arrival of the English settlers, to whom they ascribed every quality that could serve to diminish, in the eye of the world, not only their political, but also their personal importance. Both parties have wiped off these reproaches, and proved themselves worthy to receive the best institutions, as well as competent to fulfil the duties such institutions will impose upon them.

‘ Nor can it be said that the Dutch inhabitants are not sufficiently reconciled to the supremacy of England, to be entrusted with the enjoyment of political power. They have now learned that it was not the British nation, but a few individuals, to whom they owed the continuance of the ruinous system under which they have been labouring, and that these few succeeded in their designs only by preventing any public expression of public feeling, on our part, from reaching his Majesty’s Government. The British settlers, not being accustomed to see the frown of a master on the face of every petty functionary, and inflamed by many insults, were the first to break the spell, and to claim redress from home. To them we owe the commission of inquiry. To this succeeded the establishment of the press, by which the eyes of the public were opened, while by the violent attack made upon it, and by the memorial for a free press which followed, together with the forcible suppression of the Literary Society, ministers were at once enabled to conclude, not only that the system at the Cape was bad, but that the individuals who administered it were past cure. The case was then introduced to the British people by means of the press, and warmly taken up in Parliament, the consequence of all which has been the appointment of a council, the absence of the Governor, and several other important changes, even before the report of the commissioners was drawn up. The old inhabitants of the colony are aware of all this, and are satisfied that their grievances not only did not originate with the English, but excited the liveliest interest so soon as they were made known in England. This objection, therefore, has lost all weight.

‘ Other objections may be started, but they will be found equally fallacious, being founded entirely on the misrepresentations that have gone abroad respecting the state of society in the colony. We can easily account for the opposition of some functionaries and their dependents to such a measure, from their inexperience, their incapacity, their love of ease, or their qualities still less creditable to them ; but if the public manifest the anxiety they certainly feel upon the subject, and if the commissioners of inquiry have made a proper use of their opportunities of acquiring a perfect knowledge of our true interest, and our capabilities, a representative assembly, with its natural consequences of a simple code of laws, moderate taxation, and security of person and property, will soon be enjoyed at the Cape.’

**SCENERY, COSTUMES, AND ARCHITECTURE, CHIEFLY ON THE  
WESTERN SIDE OF INDIA.**

IN our Number for June last, we introduced to our readers, by a brief notice, the First Part of the beautiful Work issued to the world under this title. In the design and execution of that, we perceived sufficient excellence to justify our predicting its complete success: and we are gratified to find, that high as our expectations of general approbation for this undertaking undoubtedly were, they have been realized to their utmost extent. The First Part is now extensively known, and, as far as we can ascertain, universally appreciated: so that all the artist and the author have now to do is to maintain, by their subsequent efforts, the high character which their first essays have undeniably won for them.

We are glad to perceive that this has been fully supported in the Second Part of these interesting and beautiful Views which have just issued from the press. In the notice affixed to this, Captain Grindlay acknowledges his peculiar obligations to Sir Charles Forbes, and to Mr. Auber, of the Secretary's Department at the India House, for the communication of much valuable material. From the latter, a series of beautiful drawings made in the island of Ceylon, and in the northern Rajpoot states of Hindoostan, have been obtained. They were executed by Mr. Auber's brother, the late Captain Auber, of the Quarter-Master-General's Department in India, many of whose masterly productions of the pencil we had an opportunity of seeing and admiring in his own portfolio in the country itself, and rejoice to find they are about to be given to the world. Captain Grindlay states, that from abundant materials of his own, and the kind contributions of many friends, he will be able to extend the Views to be contained in his Work from the Island of Ceylon, at the southern extremity of India, to the Rajpoot states, which press close on its northern boundary, in the neighbourhood of Bhurtpore, the great military fortress recently captured by the British forces in the East:—and from Hyderabad, in the eastern Deccan, to Muscat, and even Mocha, in the Persian Gulph and Red Sea, presenting thus, as he justly remarks, a more diversified series of scenery in the Indian Empire than has hitherto been given to the Public.

It is a convenient feature of the arrangement of these Parts, that each portion of the work, consisting of two such parts, with six plates in each, accompanied by letter-press descriptions, will form a separate and independent volume, perfect in itself, and not necessarily connected with the one preceding, or the one following it, thus leaving any single volume accessible to whoever may desire it.

It is announced that Mr William Westall purposes adding a Supplementary Volume, consisting of two parts, to correspond in every respect with this Work, containing the fruits of his labours at the wonderful Cave-temples of Elephanta and Carlee, near Bombay, as well as the scenery painted by him in that island itself, during his stay there: and judging from the specimens of Mr. Westall's talents contained in the Part now before us, we doubt not but that his contribution to the general series will be quite worthy of his name: while the whole will form such a complete collection of Indian Views, as every former resident in that magnificent country must be gratified to possess.

Having said thus much on the nature and plan of the Work, to which we have been led by an impression of its excellence, and a desire to place our readers in possession of the minutest details, we shall say a few words only on the Views contained in No. II., to understand the full beauty of which, however, the reader must see them for himself



No. I. is a View of the Green at Bombay, a large open and level space within the walls of the Fort, which was formerly the most busy spot perhaps in the Island, being then the great place of deposit for bales of cotton and other goods, and filled with Native merchants, brokers, markers, weighers, clerks, porters, &c. The whole of this is very faithfully delineated;—while the Church of Bombay, and the office of Messrs. Forbes and Co., shaded by the full foliage of overspreading trees, give a characteristic idea of the architecture of the place; and the groupes of natives, male and female, scattered over the fore-ground, add a useful and agreeable variety to the picture.

No. II. presents a more sublime association of objects. It is a View of the Approach to a celebrated Ghaut, or pass in the mountains, ascending from the plains near the coast to the higher country of the interior. This is drawn by Mr. Westall, from a painting by Colonel Johnson of the Bombay Army, and is eminently beautiful. The wavy outline of the mountain-summits, the rich clothing of forest foliage, the descending clouds, and the pure tints of atmospheric light, are all most happily blended into a perfect whole.

No. III. is another View at the summit of the same Ghaut, with peaked hills, a descending torrent, and a distant plain, from the same Artist, and not inferior in execution to its predecessor.

No. IV. is the same class of Ghaut scenery, but differing from the two former, in the wild grandeur of its simple outline, the large masses of its mountains, and the complete solitude that sits upon their summits. The reposing figures introduced, are in perfect harmony with the scene; as it might be inferred, from the silent aspect of all around, that no other human footsteps than their own, were within sight or hearing of their halting place.

No. V. The Fort of Dowlatabad, or “City of Riches” of the Moguls, the ancient Deo Gurh of the Hindoos, is a fine specimen of the Hill Forts of India in general. The picture is agreeably relieved by a light towering minaret on the right, and a foliage-crowned ruin on the left, with groupes of Native warriors beneath the bastions and battlements of the fortress in the centre.

No. VI. Among the very many Drawings we have seen of the Great Excavated Temple at Ellora, we remember none that appeared to us equal to this, which was drawn on the spot, for Lady Hood, by Captain Grindlay, in 1813. The dark shadows of the superincumbent rock are finely contrasted with the light sky against which its outline is traced: and the rich and laboured ornaments of the sculptured temple itself, are finely brought out from the surface.

The letter-press descriptions appended to each of these Views, must add considerably to their interest, especially to persons not already familiar with the country and the scenes portrayed. With their aid, they cannot fail to be acceptable to all classes, and we shall rejoice to see the success, we think so well deserved, attend the publication to its close.

#### MEMOIR OF THE LATE DR. HEBER, BISHOP OF CALCUTTA.

THE very recent arrival of the late melancholy intelligence from India, would permit us only to notice, on the concluding page of our last number, the sudden and justly regretted decease of Dr. Reginald Heber, the pious and learned Bishop of Calcutta. For such a full narrative as we would wish to record on our pages, of the virtues and accomplishments which attended his literary and theological career, we must wait till some friend, intimately conversant with the circumstances of his life, and the progress of his

studies, shall have performed, what cannot be long neglected, the duty of a biographer. In the mean time, on a subject especially interesting to our Oriental readers, we proceed to offer the fullest account of the late Bishop's family, and of his life and writings, chiefly previous to his emigration, which our present opportunities for information have allowed us to collect.

The late Bishop of Calcutta, required not, to render him truly respectable, the high ecclesiastical rank to which he attained, nor the consequence of the family from which he sprang. Nor, indeed, would these alone have been sufficient; for, as that distinguished ornament of the seventeenth century, Bishop Wilkins, has remarked, on concluding one of his curious philosophical speculations, "whatever the world may think, yet it is not a vast estate, a noble birth, an eminent place, that can add any thing to our true real worth; but it must be the degrees of that which makes us *men*, that must make us *better men*, the endowments of our soul, and the enlargement of our reason."

We learn from Dr. Whitaker's 'History and Antiquities of Craven,' that the family of Heber occurs in very ancient documents, connected with that district of the County of York. Their rise into their present consequence as Lords of the Manor, and ecclesiastical patrons of Marton, is thus described:

"Marton gave name to a race of mesne Lords, who flourished here, though under great changes of fortune, till the beginning of James the First's time. Upon the ruin of the Martons arose the family of Heber, or more properly, as it is vulgarly pronounced, Hayber; so called, undoubtedly, from a place in the neighbourhood named Hayber or Hayberg."

To a description of the "Parish of Marton," Dr. Whitaker has annexed a genealogical table, tracing from the earliest record, down to the subject of this biographical attempt, the family of "Heber, of Marton and Stainton, in the County of York, and of Hodnet in the County of Salop." In this table we find, "Reginald Heber, A.M., of West Marton Hall," first "Rector of Chelsea," afterwards "Co-Rector of Malpas, in Cheshire." He had, in 1766, on the death of an elder brother, succeeded to his manorial rights and ecclesiastical patronage; and to the occupation of the family mansion. By some clerical contrivance, "he held the Rectory of Hodnet," though "in his own patronage."

Of the Rev. Reginald Heber, his friend, the Rev. Ralph Churton, communicated some information to the 74th volume (p. 470) of the 'Gentleman's Magazine.' He was born at Marton in 1728, and became Fellow of Brazen Nose College, Oxford. He does not appear to have written any thing except an "Elegy among the tombs at Westminster Abbey," which first appeared in Pearch's Collection, and among the Oxford poems, "Verses to George III."

on his accession. This "learned and amiable clergyman" died in his seventy-sixth year, at his Rectory of Malpas, January 10, 1804, soon after his return from Oxford, where he heard his second son speak in the theatre, his poem on 'Palestine.' To the life and writings of that son, by his father's second wife, "Mary, daughter of Cuthbert Allanson, D.D.," whom, according to Mr. Churton, he had married in July 1782, we must now confine ourselves.

Reginald Heber was born in or about 1783. Of his earliest education, we have not been able to procure any information, yet the harvest has sufficiently discovered that the seed-time was not neglected; nor a parent's most serious duty unperformed. He was entered at All-Souls College, Oxford, probably, as early as other Academics. His poem on 'Palestine' was written there "at the age of nineteen;" and esteemed by Dr. Whitaker, "one of the best college exercises ever written. From such blossoms," he adds, "may reasonably be expected fruits of Paradise."

This *Prize-Poem* was recited by the Author, in the theatre, Oxford, at the commencement, June 15, 1803, and published in 1809, with the addition of a poetical "fragment entitled, 'the Passage of the Red Sea.'" *Palestine* extends to more than four hundred lines, of unequal merit, as may easily be supposed. We shall select a few, which, if we are not mistaken, will bring no discredit on a juvenile poet's college exercise.

Recollecting the dreary and desolate condition of Judea, the "widowed queen, forgotten Sion," is thus addressed, on the comparison of her former grandeur with her present debasement—

"Where now thy pomp, which kings with envy view'd?  
Where now thy might, which all those kings suddu'd?  
No martial myriads muster in thy gate;  
No suppliant nations in thy Temple wait;  
No prophet-bards thy glittering courts among,  
Wake the full lyre, and swell the tide of song:  
But lawless Force and meagre Want are there,  
And the quick-darting eye of res'less Fear;  
While cold Oblivion, 'mid thy ruins laid,  
Folds his dank wing beneath the ivy shade."

The poet next avails himself of a notion prevalent in the East, and adopted by some later Jews, probably from the Oriental Sages, that the protection of each country was specially committed to certain celestial authorities. He then proceeds to propitiate the holy angels to whom Palestine had been entrusted.

"Ye Guardian Saints! ye warrior-sons of heav'n!  
To whose high care Judea's state was giv'n!  
O, wont of old your nightly watch to keep,  
A host of gods, on Sion's tow'ry steep!  
If e'er your secret footsteps linger still  
By Siloa's fount, or Tabor's echoing hill,  
If e'er your song on Salem's glories dwell,  
And mourn the captive land you lov'd so well;

(For oft, 'tis said, in Kedron's palmy vale,  
 Mysterious harpings swell the midnight gale,  
 And, blest as balmy dews that Hermon cheer,  
 Melt in soft cadence on the pilgrim's ear ;)  
 Forgive, blest spirits, if a theme so high  
 Mock the weak notes of mortal minstrelsy ;  
 Yet, might your aid this anxious breast inspire  
 With one faint spark of Milton's seraph fire,  
 Then should my muse ascend with bolder flight,  
 And wave her eagle plumes, exulting in the light."

The Author now returns to the distress and degradation of Jerusalem, under Turkish despotism, and not unpoetically describes the rural charms of the surrounding scenery :

" O happy once in heaven's peculiar love,  
 Delight of men below, and saints above !  
 Though, Salem, now the spoiler's ruffian hand  
 Has loos'd his hell-hounds o'er thy wasted land ;  
 Though weak, and when'd beneath the storms of fate,  
 Thy house is left unto thee desolate ;  
 Though thy proud stones in cumbrous ruin fall,  
 And seas of sand o'er top thy mould'ring wall ;  
 Yet shall the Muse to Fancy's ardent view  
 Each shadowy trace of faded pomp renew ;  
 And as the Seer on Pisgah's topmost brow  
 With glist'ning eye beheld the plain below,  
 With prescient ardour drank the scented gale,  
 And bade the opening glades of Canaan hail ;  
 Her eagle-eye shall scan the prospect wide,  
 From Carmel's cliffs to Abnath's tide ;  
 The flinty waste, the cedar-tufted hill,  
 The liquid health of smooth Arden's rill ;  
 The grot, where, by the watch-fire's evening blaze,  
 The robber riots, or the hermit prays ;  
 Or, where the tempest rives the heavy stone,  
 The wint'ry top of giant Lebanon."

Passing by " the warrior Druses," the feats of the marauding hordes, and the magic tales, which " Hagar's offspring tell " of Solomon, in " Arabia's legendary lays ;" also some of the most remarkable events of Jewish history, we arrive at the following description of the early progress in the arts of life which distinguished *Israel* :

" For thee his ivory load Behemoth bore,  
 And far Sofala teem'd with golden ore ;  
 Thine all the arts that wait on wealth's increase,  
 Or bask and wanton in the beam of peace.  
 When Tyber slept beneath the cypress gloom,  
 And silence held the lonely woods of Rome ;  
 Or e'er to Greece the builder's skill was known,  
 Or the light chisel brushed the Parian stone ;  
 Yet here fair science nurs'd her infant fire,  
 Fann'd by the artist-aid of friendly Tyre.  
 Then tower'd the palace, then in awful state  
 The Temple rear'd its everlasting gate.  
 No workman's steel, no ponderous axes rung ;  
 Like some tall palm the noiseless fabric sprung.  
 Majestic silence !—then the harp awoke,  
 The cymbal clang'd, the deep-voic'd trumpet spoke ;

And Salem spread her suppliant arms abroad,  
View'd the descending flame, and bless'd the present God."

On the destruction of the far-famed Temple, which rendered Jerusalem "the glory of all lands," the scene is immediately changed to *their* cruel bondage,

" ——— Who, dragg'd to Shinar's fiery sand,  
Till'd, with reluctant strength, the stranger's land ;  
Who sadly told the slow-revolving years,  
And steep'd the captive's bitter bread with tears ;  
Yet oft their hearts with kindling hopes would burn,  
Their destin'd triumph, and their glad return ;  
And their sad lyres, which, silent and unstrung,  
In mournful ranks on Babel's willows hung,  
Would oft awake to chaunt their future fame,  
And from the skies their lingering Saviour claim."

The poet now describes the advent of the Messiah, whose character and pretensions were so ill suited to gratify the worldly expectations of his countrymen. Here is largely adopted the language both of the Christian and the Jewish Scriptures. The woes of the besieged Jerusalem succeeds, and her consequent desolation, till

" In her wide streets the lonely raven bred,  
There bark'd the wolf, and dire hyenas fed.  
Yet, 'midst her towery fanes, in ruin laid,  
The pilgrim saint his murmuring vespers paid ;  
'Twas his to climb the tufted rocks, and rove  
The chequer'd twilight of the olive grove ;  
'Twas his to bend beneath the sacred gloom,  
And wear with many a kiss Messiah's tomb :  
While forms celestial fill'd his tranced eye,  
The daylight dreams of pensive piety."

In a poem on Palestine, "the red-cross warriors," and "the wandering hermit," who "waked the storm of war," could not be omitted. Nor can we forbear to excuse a young Oxonian, writing, amidst the national irritation largely excited during the late eventful contest, if he compliment church and state, with an invective on "the apostate chief," whose "trophied banners," brought "from Misraim's subject shore," appeared before "Acre's wall." We conclude with a theme more agreeable—the prediction, for, we trust, the bard is here a prophet, in favour of the holy city:

" Yet shall she rise ;—but not by war restor'd,  
Not built in murder,—planted by the sword.  
Yes, Salem, thou shalt rise : thy Father's aid  
Shall heal the wound his chastening hand has made ;  
Shall judge the proud oppressor's ruthless sway,  
And burst his brazen bonds, and cast his cords away.  
Then on your tops shall deathless verdure spring ;  
Break forth, ye mountains, and, ye vallics, sing !  
No more your thirsty rocks shall frown forlorn,  
The unbeliever's jest, the heathen's scorn ;  
The sultry sands shall tenfold harvests yield,  
And a new Eden deck the thorny field."

Thus pacific and Christian were the concluding desires expressed

by the poet, for the redemption of Israel. There are, however, passages which we have forborne to extract, as connecting too closely the Bible and the sword. Among "the images and epithets," as a friend has justly remarked to us, "are those of a mind delighting in scenes of war, bloodshed, and desolation, to those who are not of the same faith;" so that, "though he had grown more mild, no doubt, by age; yet at the time of writing this poem, his enthusiasm might easily have been wrought up to a crusade for the purpose of redeeming the Holy Land from infidels." We have, indeed, been occasionally reminded, on re-perusing this poem, after a lapse of several years, of a passage, in an eloquent sermon, "on the death of Christ," by the justly admired Dr. Blair, who describes the Saviour as solaced, amidst his sufferings, by the prophetic knowledge, that his cross was to be assumed "as the distinction of the most powerful monarchs, and to wave on the banners of victorious armies." How strikingly appropriate, on comparison, are these sentiments, which Milton ascribes (P.R. 386,) to Jesus, when Satan urges him to the pursuit of martial glory.

To whom our Saviour answered, thus unmov'd,  
Much ostentation vain of fleshly arm,  
And fragile arms, much instrument of war  
Long in preparing, soon to nothing brought,  
Before mine eyes thou hast set; and in my ear  
Vented much policy, and projects deep  
Of enemies, of aids, battles, and leagues  
Plausible to the world, to me worth nought.

We next find Mr. Heber pursuing an extensive tour, such as his previous literary attainments had well prepared him to improve; and in which he was accompanied by his friend, Mr. Thornton. It appears from the preface to a poem, which we shall presently notice, that, early in the year 1806, the travellers had arrived "at Moscow," where a "damp was thrown on the amusements of the Carnival;" such was "the strong and almost inconceivable impression excited by the death of Mr. Pitt, that illustrious statesman," in the juvenile judgment of Mr. Heber, "whom all Europe admired or feared." He also mentions that the introductory lines of the poem were composed in the Park of Dresden.\*

"At that dread season when th' indignant North  
Pour'd to vain wars her tardy numbers forth,  
When Frederic bent his ear to Europe's cry,  
And fann'd, too late, the flame of Liberty."

Mr. Heber and his friend visited, during this tour, the principal scenes among which Dr. Clarke had travelled, in 1800, and which form the subjects of his first volume, published in 1810. In the preface to that volume the learned and justly admired traveller acknowledges great obligations "to the Rev. Reginald Heber," whom he inaccurately describes as "of Brazen Nose College,"\*

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\* Probably misled by Mr. Churton's account of the Bishop's father, having

for "the valuable manuscript Journal, which afforded the extracts given in the notes." Besides "Mr. Heber's habitual accuracy, his zealous attention to which appears in every statement," Dr. Clarke mentions "the statistical information, which stamps a peculiar value on his observations," and "has enriched the volume by communications, the author himself was incompetent to supply;" especially "concerning the state of peasants in Russia." Dr. Clarke adds "a further acknowledgment, for some beautiful drawings, engraved in this volume."

Among these engravings is a *vignette*, in which is delineated an unassuming tomb erected at Cherson, on a spot which Mr. Heber and his friend visited, and where, in 1790, the noblest "of all the Howards" had closed his tour of philanthropy; a tour undertaken, we allude to the well known sentiment of Burke, not to contemplate modern grandeur, or to decide, amidst its scattered fragments, on the extent of ancient magnificence, but to descend into the prisoner's dungeon, and to ascertain the dimensions of human misery. To the readers of Dr. Clarke's 'Travels,' consisting of nearly all our readers, the notes of Mr. Heber must be familiar. We forbear to quote any of them; and possibly the friends of the late Bishop, and the public, may be gratified by the appearance of the whole manuscript. The remarks of such an observer, even after a lapse of years, could not fail to be acceptable.

It does not appear when Mr. Heber returned from the Continent. In 1808 he took his degree of A. M. at Oxford. The next year appeared from the press the poem to which we have referred, '*Europe, Lines on the present war.*' This poem professes to be "a review of the general politics of Europe, with a wish to avoid, as much as possible, subjects purely English." The subject which predominates is, "the glorious struggle, which has drawn the attention and sympathy of all mankind to Spain," for whom the poet's prophecy,

"But Spain, the brave, the virtuous, shall be free,"

is unhappily yet to be accomplished. The following lines descriptive of France, herself under arbitrary rule, while ruling the European continent, will not discredit the author of '*Palestine,*'

"And thou, the poet's theme, the patriot's prayer!  
Where, France, thy hopes, thy gilded promise where?  
When o'er Montpellier's vines, and Jura's snows,  
All goodly bright, young Freedom's planet rose?  
What boots it now (to our destruction brave)  
How strong thine arm in war? a valiant slave!

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left, by his second wife, two sons, "Reginald and Thomas Cuthbert, Commoners of Brazen Nose." See '*Gentleman's Magazine,*' (1804), lxxiv Part i. page 427.

What boots it now that wide thine eagles sail,  
 Fan'd by the flattering breath of conquest's gale ?  
 What, that, high-pil'd within yon ample dome,  
 The blood-bought treasures rest of Greece and Rome !  
 Scourge of the highest, bolt in vengeance hurl'd,  
 By heav'n's dread justice on a sinking world !  
 Go, vanquished victor, bend thy proud helm down  
 Before thy sullen tyrant's steely crown.  
 For him in Afric's sands, and Poland's snows,  
 Rear'd by thy toil, the shadowy laurel grows ;  
 And rank in German fields the harvest springs  
 Of pageant councils and obsequent kings.  
 Such purple slaves, of glittering fetters vain,  
 Link'd the wide circuit of the Latian chain ;  
 And slaves like these shall every tyrant find,  
 To gild oppression, and debase mankind."

In 1812, the single poems were re-published, with the addition of translations from Pindar, lines spoken at Lord Grenville's installation as Chancellor of Oxford, and an 'Epitaph on a Young Naval Officer.' In the preface to this small volume, the author appears to take his leave of the muses, and we shall presently find that the purpose of devoting himself to more serious studies was not abandoned.

In 1815, Mr. Heber appears to have resigned his Fellowship, probably on his marriage. The next year appeared 'The personality and Office of the Christian Comforter, asserted and explained, in a course of sermons, on John xvi. 7. Preached before the University of Oxford, in the year 1815, at the Lecture founded by the late John Bampton, M. A., Canon of Salisbury. By Reginald Heber, M. A., Rector of Hodnet, Salop, and late Fellow of All Souls' College, Oxford.' The subjects of this controversial volume neither our limits nor our present inclinations allow us to discuss. There is, however, one paragraph peculiarly worthy of being quoted, not merely as a specimen of the writer's style, but for the sake of his beautiful translation from a Greek hymn of Synesius (iii. *ad. fin.*) which it serves to introduce. The preacher (in sec. iii.) having described the variety discovered among "the later Platonists," as to their "approach to the truth, in the adumbration of a threefold existence in the godhead," thus proceeds:

"But, whatever were their differences, in one leading principle the several parties agreed ; that matter is, in itself, incurably corrupt, the origin of all moral evil ; that *the drop of heavenly dew* (for so Synesius calls the soul) was degraded and enslaved by its confinement in this earthly cistern ; that the thoughts and wishes of the sage were capable of only one direction ; and that his spirit coveted incessantly to exhale once more to that region whence she had descended."

Grant me, releas'd from Matter's chain,  
 To seek, oh God, thy home again ;  
 Within thy bosom to repose,  
 From whence the stream of Spirit flows !



A dew-drop, of celestial birth,  
Behold me spilt on nether earth ;  
Then give me to that parent well,  
From which the fitting wand'rer fell.

Mr. Heber, as *Malleus Hereticorum*, had sufficiently supported the established character of a Bampton Lecturer, (directed by John Bampton's will "to confute all heretics and schismatics,") by occasional invectives on heresy, and especially on modern Unitarians, even insinuating (p. 289) that they may be "insincere in their religious professions." Yet, after all, that eminent curator of Church of England orthodoxy, the 'British Critic,' expressed no small dissatisfaction. The Lecturer, was engaged to defend "the divinity of Jesus Christ," and "the divinity of the Holy Ghost," as "articles of the Christian faith, comprehended in the Apostles' and Nicene creeds;" to the remarkable exclusion of the Athanasian. He was, however, now accused of having hazarded the cause by an injudicious defence, and especially of having formed an inauspicious alliance in support of "a Triune God" with Jewish Rabbis armed with all the mystic lore of their Targum and their Gemara.

These censures soon produced 'A Reply to certain Observations on the Bampton Lectures of the year 1815, contained in the 'British Critic' for December 1816 and January 1817, in a letter to the head of a college, by Reginald Heber, A. M., Canon of St. Asaph, &c." This letter, which occupies ninety-three pages, is dated from "Hodnet Rectory, March 12, 1817." We must confine ourselves to the following extract from the first page, in which are collected, from numerous pages, to which reference is made, the Reviewer's charges against the Lecturer:

"I find my name held out as 'having taken an injudicious view of Christianity through the medium of Rabbinical learning;' as 'assailing the fundamental doctrines of the faith;' as 'interpreting Scripture on Unitarian principles;' as using 'offensive language;' as 'a sceptic,' and at variance with 'the declaration of conformity;' as a dealer in 'sophisms' and 'casuistical distinctions,' 'making void the faith' of Christians, 'a disciple of Volney and Tindal;' retailer of 'blasphemies!!' and as having chosen a subject on which it was impossible to 'be original without becoming dangerous.'" Among the sixteen "articles" under which the Lecturer proceeds to treat the charge, he is said to "have grievously erred in supposing the ordinary and sanctifying grace of the Spirit to extend to Jews and heathens," and to "have made dangerous concessions with regard to the inspiration of Scripture." Perhaps the Lecturer had been charitably inclined to indulge the hope, especially as he had no obligation to advocate the "creed of St. Athanasius," that "Jews and Christians," under the dispensation of the Universal Father, might not "without doubt perish everlastingly." Perhaps, too, he had ventured to conjecture that

reason might be not unlawfully employed in the investigation of religion.

The Lecturer's justification soon produced a 'Vindication of a Review of the Bampton Lecture for 1814, inserted in the *'British Critic,'* in two Letters addressed to Reginald Heber, A. M., containing a Defence of the Arguments in favour of the Doctrine of the Trinity; by the Rev. Frederic Nolan, late of Exeter College, Oxford: who, in his *'Review,'* had given the Lecturer credit for "the fine talents with which Nature had endowed him, and which he had cultivated with extraordinary care." We are not aware that this publication produced a rejoinder from Mr. Heber. Here, probably, the controversy ended, and must be added to the numerous instances of disagreement among members of the same church, on dogmas, to the belief of which each had subscribed, *ex animo*, his "assent and consent." So little can royal or episcopal declarations, or the imposition of creeds and articles, accomplish "for the avoiding of diversities of opinion, and for the establishing of consent touching true religion."

In 1822, Mr. Heber was elected, by the Benchers of Lincoln's Inn, preacher to their Society, an office which had been filled by Warburton, Hurd, and numerous dignitaries, in their progress towards the goal of clerical ambition. The same year he performed a service most acceptable to all who cultivate theology in the attractions of human eloquence, by arranging, and publishing in fifteen volumes, *'The whole Works of Jeremy Taylor; with a Life of the Author, and a Critical Examination of his Writings.'*

The biographer justly remarks, that "a critical examination of the author's genius and writings was rendered expedient, by the opportunity which it afforded of discussing, in a connected view, the merits and peculiarities of a writer so voluminous; by the propriety of discriminating between his many beauties, and his occasional, though unfrequent aberrations from a correct taste and judgment; and sometimes, also, though still less frequently, of detecting and obviating his departure from the usual orthodox faith of Christians." We cannot decide to what heresy the biographer alludes: Jeremy Taylor is well known to have impugned original sin and the Athanasian Creed, or at least its damnable clauses. Probably, here may be a reference to some free sentiment in the *'Liberty of Prophesying.'* On that "eloquent apology," which "inculcated a doctrine, too entirely at variance with the practice and prejudices of Taylor's age, to escape the animadversions of his contemporaries," his biographer bestows unqualified approbation. It is," he justly remarks, "the first attempt on record to conciliate the minds of Christians to the reception of a doctrine which, though now the rule of action professed by all Christian sects, was then, by every sect alike, regarded as a perilous and portentous novelty." He adds, "that no party had yet been found to perceive the great

wickedness of persecution in the abstract, or the moral unfitness of temporal punishment as an engine of religious controversy."

The life of Bishop Taylor is written much at large, containing copious references to his various works, and every thing respecting the personal history of such an interesting man which can now be recovered. On this point the biographer expresses just regret, that of "the greater part of his family papers," which were once "under the care of the late John Earl of Moira, no traces remain; and there appears but too much reason to apprehend that they were consumed, together with some other packages belonging to the Marquis of Hastings, in the fire which destroyed the London Custom House."

It does not appear that Mr. Heber came again before the public, in England. At the conclusion of the year (1822), intelligence arrived from India of Bishop Middleton's decease. In the January following, Mr. Heber was appointed to be his successor. The next month, the new Bishop of Calcutta was created D.D. by diploma. Previous to his embarkation for India, in the course of his reply to a valedictory address from the Bishop of Bristol, at a special meeting of the Society with which Bishop Heber had been long connected, he thus expressed the purpose with which he accepted this high appointment:

"It is, indeed, a high satisfaction for me to reflect that I go forth as their (the Society's) agent, and the promoter of their pious designs in the East; and if ever the time shall arrive, when I may be enabled to preach to the Natives of India in their own language, I shall then aspire to the still higher distinction of being considered as the messenger of the Society for Promoting Christian Knowledge."

June 16, 1823, the Bishop, with Mrs. Heber and their family, embarked for India; and on the 10th of October following they landed at Calcutta. November 4th, at Dum Dum, the military station of the East India Company's Artillery, a few miles from Calcutta, he consecrated the New Church, the foundation of which had been laid by his predecessor, Bishop Middleton,\* under the name of St. Stephen.

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\* The following anecdote may be worth mentioning, as highly illustrative of ecclesiastical exactness:

The church at Dum Dum was intended for the accommodation of the English officers of Artillery, and their families. It was designed by an Engineer officer attached to the corps, and it was long talked of as a promising ornament among the groupes of military buildings that are scattered over the level plain of the cantonment. It was intended to front the principal road passing over this plain; and the space for the foundation was dug at right angles with the road. Every thing being ready for laying the first stone, the Bishop, Dr. Middleton, attended, with his suite, at a very early hour in the morning, just after day-break—all operations in the open air being performed then, or at sun-set, when practicable, to avoid the intense heat.

While the ceremony was actually proceeding, and when it was nearly over,

In May 1824, the Bishop consecrated a new church at Goruckpoor, a station in the interior of Bengal. From June to the end of that year, he was engaged in visiting the several European stations in Bengal, and the upper provinces of Hindoostan.

In January 1825, the Bishop was at Acra, and went from thence to Jeypoor and Neemuch, to the stations under the Bombay Government, including Poonah, Kaira, Baroda, Baroach, Surat, and Guzerat, consecrating churches at these several places.

In the 'Gentleman's Magazine' is a letter from a military officer stationed at Neemuch, who says, "The arrival of Bishop Heber has excited general expectations, from the learning of so celebrated a scholar and divine; though from the immense extent of his charge, he can scarcely ever visit the greater half of these dominions, so as to effect any more than progressive benefits in his episcopal exertions."

In May 1825, the Bishop held his episcopal visitation at Bombay, where we have understood that he preached on board the H. C. S. Farquharson. On this progress he laid the foundation of two central schools. He also visited the Deccan, Ceylon, and Madras, on his return to Bengal.

During this period, the Bishop appears to have zealously promoted the religious objects of the British and Foreign Bible Society. In their 'Report' for 1825, they gratefully acknowledge that "the name of Dr. Heber, Bishop of Calcutta, as an accession to the cause, is in every respect most valuable. With the aid of his Lordship's counsel and influence," they add, "the objects of the society must be essentially promoted; its character also will be better appreciated, and it will commend itself more and more to the community."

Of the Bishop's last progress, destined so soon to terminate, prematurely, according to human apprehension, we have collected the following particulars:

He preached at Combaconum, on Good Friday, the 24th of March, and arrived the next day at Tanjore, where, on "Easter Sunday, his Lordship preached an eloquent and impressive sermon

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the sun rose; and the Bishop's attention being necessarily directed to the obtrusive orb, from whose rays, even at that early hour, particularly if uncovered, shelter is desirable; he discovered that the officers had, in their regard for symmetry and harmony of position, preferred architectural effect to superstitious usage, and in placing the church at right angles with the road, twisted it out of its ecclesiastical bearing of due east and west.

The horror of the holy prelate we do not pretend to describe; let it suffice to say, that the whole work was ordered to be done over again; and the church of St. Stephen now remains at oblique angles with the road, where, instead of being an ornament, is quite a deformity in the picture, appearing like a building dropped down on the spot, without the pains of placing it as every eye that beholds it intuitively desires.

on the resurrection. At the request of the Native Members of the congregation, his Lordship kindly promised to have this sermon translated into the Tamul language, and printed. In concluding the sermon, the Bishop, in the most feeling manner, impressed the duty of brotherly love upon all persons, without regard to rank or colour. Divine service was performed, in the evening, at the same place, in the Tamul language; when, "to the agreeable surprise of all present, his Lordship pronounced the Apostolic Benediction in the same tongue." On the evening of Easter Monday, "at the conclusion of the Tamul divine service, the Missionaries present received an affectionate and animated address from the Bishop, who observed, it was probably the last time that all present could expect to meet again in this world, and exhorted them to diligence and perseverance, by the example of Swartz, near whose remains he was then standing."

March 28th, the Bishop, "attended by his Chaplain, and several Missionaries of the district, paid a visit of ceremony to his Highness, the Rajah of Tanjore, under the customary honours. On the following day his Highness returned the visit."

The Bishop's visit to Tanjore appears to have been highly estimated, for its expected good influence on "the Missionaries, and the numerous Natives connected with the mission." His inquiries were concluded by an inspection of "the English and Tamul School," where "275 boys and girls" were educated, with whose proficiency, the Bishop "expressed himself highly gratified." His last days are thus described in the '*Bombay Courier*' of April 22.

"Saturday, April 8, the Bishop reached Trichinopoly, and on Sunday he preached, and held a confirmation in the evening, after which, he delivered another discourse, concluding with a solemn and affecting farewell to the congregation. On Monday, at an early hour, he visited a congregation of Native Christians, and on his return went into a bath, as he had done on the two preceding days. He was there seized with an apoplectic fit, and when his servant, alarmed at the length of his stay, entered the bathing-room, he found that life was extinct."

Thus, have terminated, in the midst of his days, the life and labours of Dr. Reginald Heber, the second Bishop of Calcutta. His talents, and his diligent occupation of them, with the uniform courtesy of his deportment, had already conciliated the respect and attachment of all who came within his influence. Of the honours paid to his memory, no account has yet reached England, except the Governor General's orders issued on the first receipt of the affecting intelligence, that "the flag of the garrison, at Fort St. George, should be mounted half-mast high," and that "minute guns, in number corresponding with the age of the deceased, should be fired from the saluting battery."

India has higher honours in reserve for the late Bishop of Calcutta, if her history shall record his name among those who have attained distinction.

Without ambition, war, or violence,  
By deeds of peace, by wisdom eminent ;

if she shall class him with the few, who, amidst the crowding votaries of avarice and ambition, have sought her shores, willing to protect, and not to plunder her ; to draw forth her moral and intellectual resources, rather than to accumulate her earthly treasures.

Of such, we trust, was the late Bishop Heber, and that " the mighty Master found the talent well employed." Thus, to adopt the language of eastern wisdom, " being made perfect in a short time, he fulfilled a long time ; for honourable age is not that which standeth in length of time, nor that is measured by number of years ; but wisdom is the gray hair unto man, and an unspotted life is old age."

N. L. T.

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DEBATE AT THE EAST INDIA HOUSE.

*Wednesday, September 27, 1826.*

THIS day a General Quarterly Court was held at the Company's House, in Leadenhall Street.

CAPTAIN MICHAEL.

The Minutes of last Court having been read,

The CHAIRMAN (Sir G. A. Robinson) informed the Court, that it was made special for the purpose of submitting, for confirmation, the Resolution of the General Court of Directors of the 21st of June, approving the Resolution of the Court of Directors of the 3d May last, providing, that Captain Michael, of the Madras Establishment, upon his resigning the Military Service, in order that he may continue to act as Mahratta Translator to the Tanjore Commissioners in England, in which capacity he receives a salary of 682*l.* 10*s.* per annum, shall be granted, upon the terms and conditions therein stated, a continuance of that salary for life ; and further providing, that whenever the period shall arrive at which, if Captain Michael had continued in the Military Service he would have succeeded to the command of a regiment, and a share of off-reckonings, the said salary of 682*l.* 10*s.* per annum, be increased from that date to 1050*l.* per annum for life.

Captain MAXFIELD begged leave to ask the Honourable Chairman a question.

The CHAIRMAN informed the hon. Proprietor that he could not ask any question until the motion he had to submit to the Court was put. He then moved that this Court do now confirm the resolution which had just been read.

Captain MAXFIELD said, he recollected being in this Court when it was proposed to give the Tanjore Commissioners 300*l.* in addition to their salaries as Carnatic Commissioners. He had understood in the last Court that the Carnatic Commission was drawing to a close ; but he wished now to be informed whether there was any chance of its terminating, and when such termination was likely to take place. The Commission had now sat five years, and nothing had as yet been done. It seemed as if it would last as long as the Company itself. He thought it would be preferable to have the correspondence translated in India, as it could be much better and more easily done there than here. As to the present arrangement, it only served the purpose of keeping the Proprietors ignorant of the contents of the papers. He remembered once when a great mass of information was sent over from India, the translator was asked why it was not translated. His reply was, that it

was much better to have the papers as they were, for their not being translated would prevent discussion, as the Proprietors did not understand their contents.

The CHAIRMAN believed that no person could be more desirous of bringing those accounts to a close, than the Court of Directors themselves. With respect to the assertion, of nothing being done in the proceedings, that was not correct. So far from nothing having being done, there was a regular annual report made by the Commissioners. There were a thousand petty claims brought before them. Every one had a right to demand that the most trifling claims should be fully investigated, which was a cause of great trouble and vexation; and the Court of Directors had been desirous of avoiding a too minute investigation of those trifling claims. Measures had been adopted for that purpose, which it was expected would forward the business, but some legal objections had been started. When, however, things should be in a situation to bring the matter to a satisfactory close, he could assure the Proprietors, they would find that the Court of Directors had shown every disposition to carry those measures into effect. With respect to the Tanjore Commission, he certainly did wish that the Commissioners would act gratuitously, but that wish not being realized, it would have occasioned much trouble and delay to have instituted a new commission. He believed every endeavour had been made to bring the Commission to a close, but it could not be expected that the accounts of such a concern should be as simple as those of a private merchant. With respect to Captain Michael, he would state, that without his assistance, the Commissioners could not have done their duty.

Captain MAXFIELD begged to explain, that he did not for a moment doubt the merit of Captain Michael. He wished to know whether there was any translator to the Carnatic Commission. It certainly appeared to him, that the Commission would last as long as the Company. He should take an opportunity of moving for papers upon the subject.

Mr. DIXON said, that in a long course of life, and while he had attended this Court, he had always concurred in the acts of the constituted authorities of the Company and the Court of Directors. But in the case of Capt. Michael he had before stated, and he repeated it again, that those persons, for whose lives pensions are granted, may live longer than the Company. He thought that persons who deserved well of the Company should be properly rewarded, and he had never found that Company backward in liberally rewarding those persons whose services they required; but he could not help wishing that some more eligible method might be adopted, as the future existence of the Company could not but be considered as short.

The CHAIRMAN stated, that there were peculiar circumstances under which the salary was granted. If the Company required services for life, they must give an adequate remuneration for those services. Captain Michael was the only person in this Company, with the exception of an hon. Proprietor he saw before him, who was capable of fulfilling the duties of the situation he held, he being the only other person master of the Mahratta language. Of course, when the proposition was made for him to become translator, it was natural in him to consider what he was to give up. This first proposition, which was not an unreasonable one, as far as he was concerned, was, that he should continue on the allowance he enjoyed, and have the power of returning to India. But the Court considered, that if they agreed to that, they would make an unjust precedent, by allowing him to return to India after having resided in this country for many years. On that account, the Court declined the proposition. But it was agreed that Captain Michael should receive a yearly salary of 682*l.* 10*s.*; and if he should survive unto that time, when he would, had he continued in the army, have attained the command of a regiment, that his salary should be further increased to 1060*l.* per annum. With respect to the assertion, that he might live longer than the Company, he could only say, it might be so, but there was always a possibility of the charter of the Company being renewed.

The resolution was then adopted.

**HIRING VESSELS.**

Captain MAXFIELD said, that in pursuance of a notice he had given at the last quarterly meeting, he intended to call the attention of the Court of Proprietors to the Act of Parliament, namely, 58 of George III., respecting the hiring of ships.

The CHAIRMAN thought the hon. Proprietor had better give notice of motion on so important a subject, in writing; though, if the hon. Proprietor pleased, he had it in his power to press the subject forward at present, as this was a General Quarterly Court.

Captain MAXFIELD said, he certainly did not wish to take the Court by surprise, for he had before given notice of his motion.

The SECRETARY referred to the minutes, and stated that no notice of such a motion had been given in.

Captain MAXFIELD stated, that he had not given notice in writing, but that he had, at the last Quarterly Meeting, expressed his intention of making some observations on the subject. The Act of Parliament obliged the Company to engage a ship for three years, whether they wanted it during that time, or not. Now this was a provision which he wished to see repealed or amended. He considered the engaging of ships the worst part of the Company's business.

The CHAIRMAN conceived that it was absolutely necessary to have notice given in writing upon a subject of such importance. Every Proprietor ought to have notice of the intention to bring such a question forward.

Captain MAXFIELD thought the Proprietors met in that Court to investigate their affairs, and did not assemble merely for the purpose of approving of the resolutions of the Court of Directors. He understood that no notice was necessary upon the subject; but he had, notwithstanding, given notice. He certainly did not think it necessary to write the notice, or to publish it in the Newspapers, and he considered himself perfectly in order in bringing forward the question now.

The CHAIRMAN repeated his opinion, that it was indispensably necessary to give notice in writing, in order that the Proprietors at large might have an opportunity of attending the discussion.

General THORNTON said, that the hon. Proprietor had, undoubtedly, a right to bring forward any motion he thought fit; but he would advise him to adopt the course pointed out by the hon. Chairman.

Capt. MAXFIELD said, that he should avail himself of the present opportunity of meeting the wishes of the Court, and would give a notice in writing of his motion for a future occasion.

**SEIZURE OF PEPPER.**

Mr. ADINELL wished the correspondence which had passed between Government and this Company respecting himself to be laid before the Proprietors, with a copy of the scandalous letter from the Secretary of the Company to the Government, by which his property had been confiscated.

Mr. MAXWELL rose to explain the circumstances of this case: he had heard from the hon. Proprietor a statement of his case, and he would now lay it before the Proprietors. It appeared that the hon. Gentleman had bought a quantity of pepper on the Royal Exchange from a broker. The warrant of the Company was delivered with the goods to prove that the seller had come properly by them. Notwithstanding this the pepper was seized as smuggled. Mr. Adinell then wrote to the proper department of Government, stating, that he had the warrant of the Company in his hands. Upon this a correspondence passed between Government and this Company, the result of which was that the goods were confiscated. The hon. Proprietor conceived himself aggrieved in laying under the imputation of being a smuggler, and he, therefore, now moved for the production of that correspondence.

The CHAIRMAN said, there was no motion before the Court at present, but if the hon. Proprietor chose to make any motion, he begged he would put it down in writing.



Mr. ADINELL wished to know how to word his motion.

The CHAIRMAN told him, that he was to write down just what he wanted. The motion being committed to writing.

The CHAIRMAN said, what he held in his hand, was no motion at all. He would read it, however, to convince the Court of the necessity of having all motions committed to paper. "That there be laid, before this Court, the whole of the correspondence between his Majesty's Ministers and this Court." (*A laugh.*) He thought, however, he should meet the wishes of the hon. Proprietor, if he put the motion in the following manner: "That there be laid before this Court, copies of all Correspondence connected with Mr. Adinell, between all Departments of Government and this House, on the subject of some pepper seized in 1821." He would give his support to the motion, with an addition to it, "That there be included all Mr. Adinell's letters to the Court of Directors, and the Court's replies."

Mr. PARRISON stated, that this case had been before him in a Committee, where the subject was fully examined, though it was one of great obscurity. He thought it highly improper to remove the question from the tribunal of the Committee, to the general tribunal of that Court, where private interest might operate.

The motion was then put and carried, and the Court afterwards adjourned.

## TREATY OF PEACE BETWEEN THE ENGLISH AND THE BURMESE.

*India Board, Sept. 1, 1826.*

A despatch has been received at the East India House from the Governor-General in Council at Fort-William, in Bengal, dated the 7th of April, 1826, of which despatch, and of its enclosures, the following are copies :—

*Copy of a Letter from the Governor-General in Council at Fort William, in Bengal, to the Secret Committee of the Court of Directors of the East India Company, dated the 7th of April, 1826.*

Honourable Sirs,—We hasten to announce to your honourable committee that the *Enterprise* steam-vessel, having on board Major-General Sir Archibald Campbell and Mr. Robertson, the Civil Commissioner in Ava and Pegu, has arrived with the important and gratifying intelligence of the conclusion of peace with the King of Ava.

The ratified copy of the treaty, bearing date the 24th of February, and executed at Yandaboo, within four days' march of the capital, together with the first instalment of 25 lacks of rupees, was dispatched by Major-General Sir Archibald Campbell from Rangoon, in his Majesty's ship *Alligator*, on the 17th of March, ten days before the departure of the steam-vessel from that port, and may be hourly expected. A copy of the treaty having, however, been received from Sir Archibald Campbell, we now transmit it with this address to Bombay, for the purpose of being forwarded over land, and beg to offer our cordial congratulations on the honourable and successful termination of the long and arduous contest in which we have been engaged.

The *Alligator* having been placed at our disposal by his Excellency Commdore Sir James Brisbane, and being also, we understand, appointed to return to England, we propose to dispatch her, immediately on her arrival, to England, committing a copy of the treaty to the charge of Captain Snodgrass, Military Secretary to Sir Archibald Campbell, who will afford your honourable committee every information regarding the recent operations in Ava. In the mean time it will be highly satisfactory to you to know, that the main body of the force in Ava had returned to Rangoon, and several regiments had been actually embarked in the transports then in the river, and sailed for this Presidency and Fort St. George.

Major-General Sir Archibald Campbell, having communicated personally with us on various points, will return in the *Enterprise* steam-vessel to Rangoon, in the course of the ensuing week, to superintend the embarkation of the remaining troops, all of whom, it is expected, will be ready to leave the

Burman territories by the time when the second instalment of 25 lacks falls due, namely, the 4th of June next. We have, &c.

AMHERST, J. H. HARRINGTON, W. B. BAYLEY.

P. S.—April 9.—His Majesty's ship *Alligator* arrived this morning.

*Copy of a Letter from Major-General Sir Archibald Campbell, K.C.B., to George Swinton, Esq., Secretary to the Bengal Government, dated Headquarters, Camp at Yandaboo, 45 miles south-west of Ava, February 24.*

SIR:—The late defeats sustained by the Burmese army, and which led to its almost total dispersion, together with the vicinity of the British force to the capital of Ava, has had the effect (I trust sufficiently) to humble that haughty and arrogant Court to a submission, which will, no doubt, be made for a length of time subservient to its policy, so as not again wantonly to disturb the peace of the British Government in India.

The treaty of peace this day concluded and ratified by the Burmese Ministers of State, will be submitted to his Lordship in Council by the British Commissioners in Pegu and Ava. I have, therefore, only to say, that I shall at once return with the force under my command to Rangoon, there to await the further commands of Government.

I have, &c.

A. CAMPBELL, Major-General.

*Treaty of Peace between the Honourable East-India Company on one part, and his Majesty the King of Ava on the other, settled by Major-General Sir Archibald Campbell, K.C.B. K.C.T.S., commanding the expedition, and Senior Commissioner in Pegu and Ava, Thomas Campbell Robertson, Esq., Civil Commissioner in Pegu and Ava, and Henry Ducie Chads, Esq., Captain, commanding his Britannic Majesty's and the Honourable Company's naval force on the Irrawaddy river, on the part of the Honourable Company; and by Menggye-Maha-Men-Klah-Kyan-Ten Woonghee, Lord of Lay-Kaeng and Menggye Mahah-Men-Keah-Shechah-the-Ahren-Woon, Lord of the Revenue, on the part of the King of Ava; who have each communicated to the other their full power; agreed to and executed at Yandaboo, in the kingdom of Ava, on this 24th day of February, in the year of our Lord 1826, corresponding with the fourth day of the decrease of the Moon Tuboung, in the year 1187, Mandina Aera.*

Article 1.—There shall be perpetual peace and friendship between the Honourable Company on the one part, and his Majesty the King of Ava on the other.

Art. 2.—His Majesty the King of Ava renounces all claims upon, and will abstain from all future interference with, the Principality of Assam and its dependencies, and also with the contiguous petty States of Cachar and Jyntia. With regard to Munnipore, it is stipulated that, should Gumbheer Singh desire to return to that country, he shall be recognised by the King of Ava as Rajah thereof.

Art. 3.—To prevent all future disputes respecting the boundary line between the two great nations, the British Government will retain the conquered provinces of Arracan, including the four divisions of Arracan, Ramree, Cheduba, and Sandowey, and his Majesty the King of Ava cedes all right thereto. The Annonpeeteetonmien, or Arracan Mountains, known in Arracan by the name of the Yeornabourg or Pokhengloung Range, will henceforth form the boundary between the two great nations on that side. Any doubts regarding the said line of demarcation will be settled by commissioners appointed by the respective Governments for that purpose, such commissioners from both powers to be of suitable and corresponding rank.

Article 4.—His Majesty King of Ava cedes to the British Government the conquered provinces of Yeh, Tavoy, and Mergui, and Tenasserim, with the islands and dependencies thereunto appertaining, taking the Saluen river as the line of demarcation on that frontier. Any doubts regarding their boundaries will be settled as specified in the concluding part of article 3.

Article 5.—In proof of the sincere disposition of the Burmese Government to maintain the relations of peace and amity between the nations, and as part indemnification to the British Government for the expenses of the war, his Majesty the King of Ava agrees to pay the sum of one crore of rupees.

Article 6.—No person whatever, whether native or foreign, is hereafter to

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be molested, by either party, on account of the part which he may have taken, or have been compelled to take, in the present war.

Article 7.—In order to cultivate and improve the relations of amity and peace hereby established between the two Governments, it is agreed that accredited ministers, retaining an escort or safeguard of fifty men from each, shall reside at the durbar of the other, who shall be permitted to purchase or build a suitable place of residence, of permanent materials; and a commercial treaty, upon principles of reciprocal advantage, will be entered into by the two high contracting powers.

Art. 8.—All public and private debts contracted by either Government, or by the subjects of either Government, with the other, previous to the war, to be recognised and liquidated upon the same principles of honour and good faith as if hostilities had not taken place between the two nations; and no advantage shall be taken by either party of the period that may have elapsed since the debts were incurred, or in consequence of the war; and, according to the universal law of nations, it is further stipulated, that the property of all British subjects who may die in the dominions of his Majesty the King of Ava, shall, in the absence of legal heirs, be placed in the hands of the British resident or Consul in the said dominions, who will dispose of the same according to the tenor of the British law. In like manner the property of Burmese subjects, dying under the same circumstances in any part of the British dominions, shall be made over to the Minister or other authority delegated by his Burmese Majesty to the supreme Government of India.

Art. 9.—The King of Ava will abolish all exactions upon British ships or vessels in Burman ports that are not required from Burman ships or vessels in British ports; nor shall ships or vessels the property of British subjects, whether European or Indian, entering the Rangoon river, or other Burman ports, be required to land their guns or unship their rudders, or do any other act not required of Burmese ships or vessels in British ports.

Art. 10.—The good and faithful ally of the British Government, his Majesty the King of Siam, having taken a part in the present war, will, to the fullest extent, as far as regards his Majesty and his subjects, be included in the above treaty.

Art. 11.—This treaty to be ratified by the Burmese authorities competent in the like cases, and the ratification to be accompanied by all British, whether European, or native (American) and other prisoners, who will be delivered over to the British Commissioners. The British Commissioners, on their part, engaging that the said treaty shall be ratified by the Right Hon. the Governor General in Council, and the ratification shall be delivered to his Majesty, the King of Ava, in four months, or sooner if possible, and all the Burmese prisoners shall, in like manner, be delivered over to their own Government as soon as they arrive from Bengal.

### ADDITIONAL ARTICLE.

The British Commissioners being most anxiously desirous to manifest the sincerity of their wish for peace, and to make the immediate execution of the fifth article of this treaty as little irksome or inconvenient as possible to his Majesty the King of Ava, consent to the following arrangements with respect to the division of the sum total, as specified in the Article before referred to, into instalments, viz.:—Upon the payment of 25 lacs of rupees, or one-fourth of the sum total, (the other Articles of the Treaty being executed,) the army will retire to Rangoon; upon the future payment of a similar sum at that place, within one hundred days from this date, with the proviso as above, the army will evacuate the dominions of his Majesty the King of Ava, with the least possible delay; leaving the remaining moiety of the sum total to be paid by equal annual instalments in two years, from the 24th day of February 1826, A.D., through the Consul or Resident in Ava or Pegu, on the part of the Honourable the East India Company.

LARGEEN MEONJA (L. S.)

WOONGHEE.

(Seal of the Lotoo.) (L. S.)

SHWAGUM WOON (L. S.)

ATAWOON.

A. CAMPBELL, Maj.-Gen. and  
Sen. Commissioner.

T. C. ROBERTSON, Civil Com-  
missioner.

H. D. CHAD, Captain, Royal  
Navy.

**SUMMARY OF THE LATEST INTELLIGENCE FROM INDIA AND  
OTHER COUNTRIES OF THE EAST.**

**BENGAL.**

WE were just enabled to announce, in a brief Postscript to our last Number, the ratification of the treaty of peace between the British forces in India and the Burmese, and the conditions on which that ratification had been effected. This intelligence was brought to England by an overland despatch, which left Bombay at the latter end of April 1825. But though a whole month has elapsed since the arrival of that despatch, no subsequent information has yet reached us from that quarter. A vessel from Bombay arrived at Bourdeaux, during the course of last month, having left Aleppee on the coast of Malabar so late as the 17th of May; but nothing of any public interest has transpired since her arrival. The despatch received overland containing the announcement of the ratification alluded to, as well as a copy of the treaty itself, will be found in another part of the present Number, among the official documents recorded and preserved; as well as the general orders issued on the occasion of the capture of Bhurtpore, which have not before appeared.

The absence of all information, subsequent to the date of the overland despatch, arises from an unusual delay in the arrival of ships leaving Bengal, Madras, and Bombay, in April and May, occasioned by prevailing adverse winds, and severely tempestuous weather. Even the ships of war, on board which duplicates of the public despatches were to have been sent, have not yet (at least at the period of our writing this) been announced among the shipping arrivals: while the number of merchant vessels daily expected, and beyond the time at which their arrival might have been calculated on, is greater, we believe, than has for many years been remembered.

We have on several former occasions so unreservedly expressed our sentiments, as to the injustice and folly of the war now brought to a close, that it must be unnecessary for us to repeat those sentiments here. There has been nothing in the manner in which it has been terminated, or in the conditions exacted of the Burmese, that leads us to entertain more favourable opinions now than we have hitherto done. Supposing even the whole sum agreed upon to be paid, which all who know anything of Indian treaties must think extremely doubtful, it is not a tenth part of the actual pecuniary expences incurred by the East India Company. But for the higher considerations of loss of life and loss of character, if the whole empire of the Burmese had been ceded, it would have been a most inadequate compensation. The £250,000 already

paid is all that can be considered safe. The £250,000 to be paid on the embarkation of the troops from Rangoon, *may* possibly be punctually discharged also: but the remaining £500,000 will not be so easily procured, after we have quitted the territory: and the Company's Government have had too much experience in Burmese campaigns to venture to send another force after the arrears, if they should be withheld: while the territory ceded and meant to be retained, is a useless addition to an already cumbrous and unmanageable extent of possession, which will cost much more to hold than its utmost produce can be worth. The following are the details that have been gleaned chiefly from private letters, and published in the 'Courier,' as illustrative of the proceedings antecedent to the conclusion of the war:

"On the 25th of January, Sir Archibald Campbell moved from Mellown, the enemy flying before him, and no opportunity occurred for some days of giving them a further proof of British valour, except in the coming up of Capt. Trant, and a few of the body guard, upon 400 Burmese, whom they defeated, and almost annihilated.

"On the 9th of February, however, a more splendid occasion for displaying our superiority presented itself. The reconnoitring party sent out on that day to survey the road for next day's march, discovered the enemy posted in strength about eight miles in front, in such a position as to leave no doubt of his intention to dispute our progress. They were under the command of a nephew of the late Bundoolah, who had promised to the King, that if he would give him 16,000 men, he would lead the English captives to the Golden Feet. Sir Archibald Campbell immediately determined to attack the enemy on the 10th, and with this view ordered General Cotton to march at seven o'clock that evening, so as to join him next morning. At nine A. M., a few shots from the enemy intimated their vicinity, and they were soon seen in large bodies advancing on both flanks, and so compact, as to lead our troops to anticipate a very close engagement.

"It was evident that they expected to overwhelm us by their vast superiority in numbers. At this moment, Major Jackson arrived with orders to his Majesty's 13th to attack the enemy on the right, and the 38th on the left of the road. The Burmese came on boldly at first, with savage yells, and a discharge of musketry, vainly imagining that the small number of the English would be unable to resist them. The illusion was soon dispelled, for the moment that the order was given, a charge in the most gallant style was made to the right and left, and a truly British cheer soon drove the Burmese off in every direction. The 38th, in pursuing, fell in with a stockade, which was carried in an instant; the enemy were pursued to the jungle on the right, where the division wheeling to the left, charged them in the jungle in that direction, and joined the general body guard and horse artillery, and then advanced again towards Pagam-mew. Near this the Burmese were found again posted, with the intention of retrieving their character; they were again charged in double-quick time, and again dispersed in the utmost confusion, pursued by our troops into their very works, leaving their standards, guns, and stores, in our possession. It is said the enemy lost 1,000 men. Our loss was very trifling. The troops were engaged five hours, and the battle ended at three o'clock. Pagam-mew is distant from Patanagoh 112 miles, and from Umme-rapoora 153."

The following is the account of the peace, originally published in the 'Calcutta Government Gazette,' of April 5, 1826, from thence republished in the 'Bombay Courier Extraordinary' of

April 24th, and brought home with the Government despatches overland.

PEACE WITH AVA.

"At a late hour last night, the *Enterprize* reached Calcutta, having on board his Excellency Sir Archibald Campbell, Mr. Robertson, and Mr. Mangles, the return of whom to Calcutta, is the consequence of a conclusion of peace with the Burmese. The public despatches announcing the ratification of the treaty were forwarded by Colonel Tidy and Captain Snodgrass, on board the *Alligator*, which left Rangoon a week before the *Enterprize* arrived, and may be therefore hourly expected. The *Arachne* sailed at the same time for Madras. We have been favoured with the following particulars of this important and satisfactory event: After leaving Pagahmchew, Sir Archibald Campbell was met by repeated messengers of the King, offering terms short of those demanded, which offers were of course rejected. At last, however, when the army was within four days' march of the capital, Mr. Price again made his appearance, bringing with him the treaty ratified by the King, and paid down the stipulated sum of twenty-five lacs, the remainder to be paid in the manner previously determined on. The prisoners were given up, and amongst them was Mr. Gouger. In addition to the Southern Provinces of Tavai and Mergui, we are to retain Martaban, to the east of the Salween, or Martaban river. The ratification of the treaty took place in the end of February.

"The troops commenced their return on the 5th of March, by water, and had all arrived at Rangoon. Six European regiments had been embarked, besides the Bengal artillery, when the *Enterprize* left. Some of the transports, with his Majesty's 13th, 38th, and 41st, had sailed, and it was expected that they would be withdrawn by the middle of May.

"Since writing the above, we have been favoured with the following additional details:—

"The treaty was confirmed on the 24th of February. The treasure, consisting of rupees, and gold and silver bars, is on board the *Alligator*.

"A party from the camp paid a visit to the capital, and were received by the King with every honour. Mr. Crawford had gone to Martaban in the *Diana* steam-vessel.

"A battalion, with all the elephants, and attended by two Burmese chiefs, have proceeded from Jembewghean to Aracan, *via* Aen: the road is now acknowledged to be a very good one. Another detachment had proceeded from Prome to Sandoway."

We subjoin the only sensible remarks that we have seen in the Daily Papers on this subject; and they are worth recording, as containing in a very small compass a specimen of the manner in which the eulogizers of "things as they are" can put forth pompous no-meanings upon any topics in which they consider the reputation of their patrons involved, and the easy manner in which such lofty nonsense can be exposed. The '*Globe*,' adverting to this subject, says:

"The result of the Burmese war is the repayment of 250,000*l.* towards the expenses we have incurred, the promise of 750,000*l.* more, and of a commercial treaty, and the cession of a considerable extent of sea-coast territory.

"As we had never the least doubt of the ultimate success of the war,—the only question being how much time and money were to be spent upon it,—so our opinion of its folly is not at all altered by the result. Our Indian Government wants *money*, it does not want territory; and the indemnity and territory taken together (even if the former be not claimed as prize-money) will not be equivalent to a third part of our expenditure, which must be defrayed

out of the labour of the over-taxed people of Hindostan. We see, therefore, no ground for the exultation which one of the Ministerial Papers manifests on the occasion.

"The whole justification of this war (which cannot adequately be described by the word 'fruitless') is to be found in the vapouring of the Burmese monarch,—for that he could have *done* any thing against us beyond his own frontiers is too absurd for speculation. One of the eulogists of the war says, the maxims of the British Government have been 'never to *submit* to insult and encroachment, and to owe our safety to *our own power*, not to the *capricious forbearance* of an enemy. If, in any case, it would have been dangerous to have departed from our *usual high bearing*, it would have been in our relations with Ava; for our Indian empire must have tottered to the base, and soon crumbled to pieces, if *we had acknowledged* that there was, upon our frontiers, a foe whom we did not deem it *prudent to resist*, and against whom we would not venture to protect our subjects and our dependents."

"This passage, which is much in the same strain with all that has been written in defence of the war, is made up of a misapplication of terms, and a confusion of very dissimilar circumstances. To resist, to punish aggressions is one thing—to make a war of invasion another. We might, without departing from our 'usual high bearing,' allow a cur to yelp at us from a distance, and merely favour him with a kick if he ventured near the region of our toe; but to follow up the quadruped with our vengeance through puddles and over dung-heaps, in order to bring him to a due sense of his inferiority to the lords of the creation, would be a needless waste of time and of leather. Two circumstances made the aggressions of the Burmese very unlikely, and their insults very harmless—that *our* frontier was unassailable, and *their* language unintelligible. 'Our usual high bearing' had great difficulty to find interpreters to ascertain that it was outraged, and our invading force had greater obstacles to contend with as an expedition of discovery, than as an expedition of war.

"There is a long account as to the *manner* of conducting the war, which ought to be settled. But, perhaps, our usual high bearing made it necessary to send Sir A. Campbell to Rangoon just before the setting in of the rains, lest it should be said in India, that we 'did not deem it prudent to resist' the elements and sickness."

#### REPORTED RECAL OF LORD AMHERST.

A private letter from Calcutta, of the 14th of March, contains the following paragraph:

"Our Governor-General has just received the news of his recal, and we are all anxiety to know his successor. The reason assigned for his removal, is the late Barrackpoor massacre. But, if this be the real cause, the Directors have fixed upon the least of his faults, as the ground of his recal. Every one here knows, that at the time of the Barrackpoor Mutiny his Lordship had no voice in Council as to *military matters*; all his previous measures, in this department of the Government, having been so ruinous, that the Commander-in-Chief, Sir Edward Paget, was obliged to take all further military proceedings entirely on himself."

"In our communications, we have since learned, were made in other letters; and almost every individual who had frequent communications from India, had been made acquainted with this fact, from some one or other of their correspondents. The Ministerial papers of England were alone in the dark respecting this matter; though they profess to be better informed on all changes of governors or governments than their opposition contemporaries. Accordingly, when this fact was announced in a Morning Paper, which

its evening critic does not condescend to name, the following was put forth by the 'Courier':

"We observed, a few days since, that in times like these, when what may be called news is almost a curiosity, some indulgence ought to be shown to those who draw upon their imaginations to supply a counterfeit commodity. The Morning Paper to which we then alluded, seems to be so thoroughly convinced of this, that we are almost inclined to suspect it of a disposition to abuse the indulgence. Upon no other principle can we account for the following mysterious and rather incomprehensible article, which we find in its columns this day:

'A rumour of Lord Amherst's recall from India comes into circulation rather oddly, at the moment when his Lordship has terminated, in a manner, say the friends of the Government cause, 'so triumphantly,' that unhappy war, the ambiguous nature of which, its alarming events, and incalculable issue, had furnished the chief arguments for a distrust of the Governor-General and, given countenance to the former anticipations of his dismissal from office. It seems a curious policy to retain a public officer so long as his trust was apparently compromised, and to send him about his business the minute it was known to be released. There is one supposition on which Mr. Canning, as the friend of the Governor-General might select this period for his retirement from the Company's service. He might have said, 'While the terror of the conflict is uncertain, and the animadversions upon Lord Amherst both general and premature, I will not consent that my *protege* shall run away from India; but wait until this affair shall be decided; then, if the result shall prove him to have erred, he will not fall a victim to *injustice*. If, on the other hand, he succeeds in his policy, I still wish my noble friend to come home, that he may enjoy a well-earned triumph.' What truth there may be in the supposition that a certain Noble Marquis has been already named as successor to Lord Amherst, we cannot take upon us to decide. Is it to economise the public money that his Lordship has been wanted? A former noble Marquis, not long since returned, was said to have had his peace and patronage exhausted by a long train of dependents, male and female, annually consigned to Calcutta, during his Government, to feed on the rich pastures of the East. The Company ought, if possible, to check this practice, by stipulating against it, while the reins are in their power; that is, before his 'Excellency' has set his foot on board ship. Needy men, unless when closely watched, are apt to prove expensive servants.'

"As far as we understand the above, and we only profess to comprehend that it insinuates the recall or retirement of Lord Amherst from India, we venture to assert it is wholly unfounded."

In opposition to this high authority, we must also venture to assert, that he is not so well informed as he imagines himself to be. Lord Amherst had not only received intimation of his recall, but of his intended successor; and we have the best reason for believing, that he even went the length of showing his letter of remonstrance against this hasty act of injustice to himself, as he naturally deemed it, to several influential persons at Calcutta, in the hope, probably, that his reasonings would be convincing to them, and lead to such private communications from them to their friends in the Direction as might give great weight to his own representations. The fact of his still continuing to hold the Government of India, and of no successor having yet gone out to fill his place, may, at first sight, strengthen the notion that his pretended recall was altogether unfounded. But when the particulars are explained, they will throw some light on this affair, and render it more intel-



ligible than without such explanation it would be likely to be. The facts then are briefly these :

In the month of October 1825, the universal opinion of Lord Amherst's unfitness for the office of Governor-General in India had induced even his personal friends and patrons to submit to the proposed measure of his recal, and the Duke of Buckingham was fixed on as his successor. This appointment it is now ascertained received the approbation of the King individually, of the Ministers generally, and of a sufficient number of the East India Directors to render its confirmation certain. It was more especially gratifying to Mr. Wynne, who, as President of the Board of Control, could hardly be expected to oppose so seasonable an appointment for a noble relative to whom, it was understood, it would be a high gratification to fill it. Mr. Wynne is said to have accordingly encouraged both his colleagues to grant and his relative to accept the splendid gift in question, not doubting but that his health, his fortune, and his fame, would all be improved by the trip. When this matter was so far matured that little or no doubt existed in any quarter of its being carried into immediate execution, some pretendedly scrupulous individuals about the India House, began to hint that the Directors would lose a great deal of their power if the President of the Board of Control and the Governor-General of India were so closely allied by ties of blood, as the individuals in question really were : and although strenuous advocates of the system of despotism which always has been, still is, and according to their account ever must be, the system of Government in India, they affected to be greatly shocked at the *unconstitutional* influence that would be exercised by two near relations, who would be sworn allies, instead of the one being, as was originally intended, a check or control upon the other. These arguments had their weight, not from the objection felt to any thing "unconstitutional," though that was an excellent word to put forth for the unsuspecting ears of the multitude, but from an apprehension that the influence of the India House would be really curtailed by such a combination. This objection was therefore pressed ; and rumour stated that the right honourable President laboured hard to overrule them, by high eulogies on his noble relative's fitness for the office, and his persuasion that nothing could be more beneficial for India than the arrangement proposed. The objectors, however, continued inflexible ; and there was no alternative between the resignation of the President of the Board of Control, and the relinquishment of the high office of Governor-General by the noble Duke. It is said, that had the Speakership of the House of Commons been within the reach of the former, as it has long been an object of his ambition, the resignation would have been cheerfully assented to ; but this being inaccessible, it was thought too great a risk to sacrifice present advantages in the vague hope of future honours, which

might never be enjoyed. Here then, for a moment, there was a pause in the drama. But, by one of those sudden and altogether unaccountable changes which so constantly mark the progress of public affairs—a new light burst upon the intellectual vision of the right honourable the President of the India Board. He suddenly discovered, it is said, that his noble relative was of much too full a habit of body to be likely to enjoy his health in such a climate as that of India! and, in that deep solicitude for his life and welfare which none but “nearest and dearest friends” can ever feel, and for which the noble Duke must be ever gratefully attached to his careful and considerate relation, succeeded, it appears, by his powers of persuasion, uttered in the most moving tones, and, as some pretend, accompanied even with warm and genuine tears, in convincing his Grace that it would be infinitely more conducive to his happiness to remain quietly at home, than to “tempt the fickle winds and inconstant seas,” by a voyage to the farther East, where so many great and virtuous men before him, including the amiable Cornwallis himself, had fallen victims to a climate which spared neither bishops, judges, nor even greater personages still—but swept away with indiscriminating fury the benefactors as well as the scourgers of mankind!!

And thus this drama ended—the Duke resigning his pretensions and his hopes—the President of the Board of Control retaining his emoluments and his power—and poor Lord Amherst receiving no other injury than the affright and apprehension, which must have operated powerfully on nerves like his, when the mere announcement of the intended changes reached him. By this time, however, he is well assured of his security, and all parties appear to be reconciled to, if not entirely satisfied with, the position in which they remain.

#### NATIVE REGIMENTS AT BHURTPORE.

The following extract of a private letter, addressed to an individual formerly serving in the Army of India, and now retired in this country, has been sent to us, with permission to make it public. It is dated from Bhurtpore, on the 9th of February, 1826, and shortly after the capture of that fortress. The writer says:

“You will have seen by the papers, the fall of Bhurtpore, by assault on the 18th ult., and the conduct of the Native troops was most gallant. Your old battalion, now the 37th regiment, under Major Kennett, got possession of the citadel between four and five in the afternoon; when the British standard was hoisted on the highest bastion, and intimation of our being in possession of it was conveyed to Lord Combermere, who immediately came down, and seemed much disappointed that a Native regiment had entered it. He ordered the whole of the regiment out, with the exception of the light company, under Captain Herring, (which had, in the course of events during the storm, behaved uncommonly well, and was shanked in brigade orders). The next morning his Lordship marched in, at the head of a *King's* regiment, the 14th foot, with the band playing, &c. &c., when the men commenced plundering. I know not what effect this expulsion of the Company's troops may have had on the Native regiments generally; but the simple circumstance speaks for

itself, as a gross instance of favour and partiality. I received the above statement in a private letter from an officer of the regiment, who was one of those turned out of the citadel. This, certainly, is not a mode by which to conciliate the Native troops. Lord Amherst, on whom I waited on Sunday last to tender my congratulations, told me that he was highly pleased with the conduct of the Native regiments, not alone in the assault, but also for the ready cheerfulness they evinced in working in the trenches during the siege."

The General Orders issued on this occasion, will be found among the official documents, in the military department of our present Number.

#### CALCUTTA POLICE.

We have recently had occasion to say much on the subject of the Police at Bombay. It would appear that the investigations conducted or encouraged by Sir Edward West, at that Presidency, have already produced a corresponding spirit of inquiry in Bengal; for a late letter from that Presidency informs us, that at the Sessions of March 1826, a true bill of indictment has been found by the Grand Jury against four Police Magistrates—Mr. Blacquiere, Mr. Birch, Mr. Peter Andrews, and Mr. McMahon, for refusing to administer justice at the Police Office in Calcutta. We shall wait until we see the issue of the trial before we offer any comment on this event.

#### RAM MOHUN ROY.

Private letters mention that the celebrated Hindoo Brahmin, Ram Mohun Roy, whose profession of Christianity, and powerful writings against the superstitions of his countrymen, have justly obtained him such extensive celebrity, is about to undertake a voyage to England, in company with an European gentleman, a long known and well tried friend. We sincerely hope that no obstacles will occur to interrupt this design: as great public benefit to India might be expected from so powerful an advocate of her claims as this learned and exemplary individual would become in this country. Knowing the deep interest felt by many persons in England, on this subject, we shall not fail to inform them, from time to time, of whatever we may learn as to his intended movements.

#### MADRAS.

The only information that has reached us from Madras, since the publication of our last, is the account brought by the overland despatch of the death of Bishop Heber, of Calcutta. As we have made the life and character of this amiable and distinguished individual the subject of a separate article in the body of our work, we shall only subjoin here the paragraph, by which this event was officially announced in the 'Bombay Courier' of April 22, information of which must have been received by it overland from Madras. It is as follows:—

"Our readers throughout India, will receive with a universal sentiment of grief, the intelligence that the earthly career of our beloved and revered

Bishop terminated at Trichinopoly on the morning of Monday, the 3d instant (April). His Lordship had reached that place on Saturday morning, and on the following day had preached, and held a confirmation in the evening; after which he delivered another discourse, concluding with a solemn and affecting farewell to the congregation. On Monday, at an early hour, his Lordship visited a congregation of Native Christians, and, on his return, went into a bath, as he had done on the two preceding days. He was there seized with an apoplectic fit; and when his servant, alarmed at the length of his stay, entered the bathing-room, he found that life was extinct. Medical aid was immediately procured, but it was wholly unavailing."

#### BOMBAY.

The intelligence from Bombay, which extends to the 25th of April, is of a very painful description. At that period, the cholera morbus was committing great ravages in various parts of the surrounding country; numbers have fallen victims to this frightful scourge in Guzerat; and in the Deccan, its ravages are still more appalling. The town and temple of Nassick, celebrated, as many of our readers will recollect, for the jewels concealed and captured there, during the late Mahratta war, is at present a great resort of religious pilgrims: and the numbers that die there of this horrible disease, are said to amount, on an average, to between 400 and 500 victims. The people are indeed so terror-struck by this awful visitation, that they are reduced by it to a state of perfect stupor. The deaths are so numerous, that there is no longer sufficient supplies of fuel to feed the funeral piles, in consequence of which, as the Hindoos do not *bury* their dead, not even when they are deprived of the means of burning them, the bodies are left exposed on the surface of the earth, to be torn to pieces by dogs, jackalls, hyænas, and other wild animals. The number of these mutilated corpses, added to the heat of the atmosphere and its putrifying effects, render the place almost unapproachable, and cannot fail to engender and prolong the most destructive diseases. Those possessing the best means of information in India, write from the spot, that at no period in the history of the country, with which they are acquainted, has this scourge ever been more destructive, or more alarming, than at the period of their writing.

As if, however, the horrors of famine, and the visitations of pestilence, coupled with all the inseparable evils of subjugation by a foreign power, were not *enough* to weigh down the afflicted people of this unhappy country, a new crusade against their rights and liberties (if it be not an abuse of terms to call their "mere security of life and property" by such terms) has been entered on, by a set of individuals who act as if they thought that the world, and all that it contains, was created for their sovereign will and pleasure to enjoy: and that all the millions of other animated beings who move upon its surface, are only permitted to exist and toil for the purpose of ministering to *their* gratification. It is fortunate for the cause of justice, that there is still a British Judge

among them, truly deserving the name, who will not let them run riot in their schemes of plunder, without an effort, at least, to put a bridle on their wild and uncontrolled desires.

We learn from public sources, that a Native shroff, or banker, of the Deccan, whose private property had been seized, in the indiscriminate sort of plunder, by which the treasure called "the Deccan Booty" was amassed, has brought an action for its recovery against the East India Company's Government at Bombay. The amount of the private property so seized, is twenty-seven lacks of rupees, or about a quarter of a million sterling. The action for its recovery was brought by the Native banker, in the Supreme Court at Bombay; and the Advocate General, on the part of the East India Company, when the cause was called on, on the 21st of April, began by raising an objection to the jurisdiction of the Court, which he contended did not extend to this case, and would not allow the Judges to take cognizance of the matter. The speech delivered by the Advocate, on this occasion, was addressed principally, though indirectly, to the feelings of the army, whose rights and interests, it was insinuated, would be invaded by such a course of proceeding as this. And what does the reader imagine was the main argument by which an objection to the jurisdiction of the Court in India was supported? He might weary his imagination for a long time before he would arrive at the discovery: and, therefore, we will, without delay, state it. It was this: That the right of plunder is a right of the Crown: that the question of what is fair booty, and what is not, remains only with the Crown, to whom all plunder of right belongs, to decide. That if any thing be therefore seized as booty, which, by the persons to whom it belongs, may be claimed as private property, it must be referred to the Court of Exchequer in England, where alone Crown rights can be investigated or adjudged!—It is quite possible that this may be the real state of the law: because, under a system by which all plunder is made the right of the Crown; and under which all disputes on Crown rights are referred to the Barons of the Crown Exchequer, (and that these positions are generally true, must be admitted:) *any thing* is possible. But, though possible, and no doubt acted upon in the adjudication of Prize property in cases occurring between belligerent yet neighbouring nations, as in the case of England and France, Portugal, or Spain; the monstrous injustice of such a law, if carried into operation in so remote a country as India, must strike every one, even lawyers themselves, much as they are accustomed to find "everything as it should be" in what they call "our unrivalled system of jurisprudence." If it be a settled point that the Barons of his Majesty's Exchequer in Westminster Hall are the only persons competent to decide whether any particular treasures seized in India, belong to the Crown, as lawful plunder, (how strangely the

union of these terms affect our untechnical ears! and yet they are legally correct,) or to individuals claiming it as private property, we must say, that a greater bounty upon indiscriminate robbery could never be held out than this. How will the very next marauding expedition into the territories of some hitherto unplundered Indian Prince demean themselves (if, indeed, there be any yet un-plundered Native Princes remaining)? Will they not seize all the doubtful as well as the certain—the bankers' as well as the ministers' hoards—the accumulation of private industry as well as the sums drawn into the public treasury by the tax-gatherer and his minions? What need have they to trouble themselves with nice distinctions? They will be most safe in sweeping *all* into the general receptacle for plunder; and if a few private fortunes should find their way there with the rest, the Barons of the King's Exchequer will carefully separate them again, and restore them to their rightful owners. It will be enough that a spirited Brigadier shall *hear* of a snug treasure in some obscure fort, and, of corresponding wealth among the Native bankers of the neighbouring bazar. A quarrel is not a difficult thing to raise, and in such a manner as to make the injured parties *appear* to be the aggressors, as witness our late skill in this art in turning the tables upon the Burmese, and making *them* out to be *our* invaders. All that is then to be done is to enter the obnoxious wealthy town, remove all that may be found there worth removal to some place of greater security, and let the King's Exchequer hear the appeal of the plundered inhabitants against their despoilers! Good heavens! and is such a system as this to be sanctioned by the laws of England? Bad as they are, we can hardly believe, that if a proper representation were to be made to the Legislature, it would refuse to *alter* the law, if it be as is assumed, or give their declaratory interpretation of it by a new Act, if it is *not* as it is represented. To refer a plundered Native of any city in the interior of India to the Barons of his Majesty's Exchequer in London, would be the most perfect mockery of justice. He might as well be referred to a court of appeal in the Moon, and infinitely better be told there was no hope of redress, for in that case he would indulge no dream of future retribution, and be saved the pangs of sure and certain disappointment. That the Company's Government and the Indian Army should ever instruct counsel to set up such a plea, is a sufficient indication of their wishes on the subject. But their shrinking from the investigation of the question in India—where all the circumstances must favour a true verdict—where the records, witnesses, and all the materials for coming to a just decision are at hand—is at once a clear and unequivocal admission that they believe the property claimed by the plundered shroff is *not* fair booty; and that if the circumstances attending its seizure were inquired into, it would be restored to its rightful owner, and consequently be wrested from their grasp. If they sincerely believe it to come

within the fair and legal interpretation of public booty,—and on no other ground would a man of honour consent to lay his finger on a single rupee of plundered treasure—they must believe that good and sufficient evidence of this fact can be shown more effectually on that ground in India than in England; and they ought, therefore, at once to encourage, to court, nay to insist, if possible, on the submission of the question to the Judges of the Supreme Court of Bombay. There is no individual of the Council, from Mr. Elphinstone downward, who would not repel the imputation of wishing to share the fruits of illegal robbery. There is no officer of the Indian Army who would not individually challenge to the field any one who should charge him with a desire to appropriate to himself by unjust means the lawful property of another. Yet, both the Council and the Army will consent to do in a body, what they would individually be ashamed even of abetting. They may console themselves with a notion, that it is only the movers in the affair that will share the odium: as Mr. Norton, the Advocate-General, will no doubt quiet his conscience with the ever-ready plea, that he is only arguing in the way in which those who pay him their fee to argue have instructed him; and that professionally, whether it be to prove black to be white, or white to be black, he is equally ready for any one who will pay him for his attempt to establish either the one or the other. But this justification, which would suit the perpetrator of the greatest outrage on justice as well as the mildest offender, will not avail. The Council, the Army, the Advocate, must all know and feel that such a plea for removing the jurisdiction of an appeal to the laws, against their alleged spoliation of a private individual, is a positive denial of justice; and every member of those bodies who does not make some effort to show himself clear of participation or consent, ought justly to share in the odium of such a proceeding.

We sincerely hope, however, that the Bombay Bench, if they *have* the legal right of jurisdiction, will maintain it in opposition to all the constituted authorities of the country, to whose ill-used power, in such attempts as these to set aside the cause of justice, resistance is a virtue; and if they have *not*, that they will instantly have such representations made to the Legislature in England as will lead to their being invested with such a right; for without it, there would be no check to the universal and indiscriminate plunder of every merchant, banker, and private individual among the millions now within the grasp of our dominion in the East.

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In one of our former Numbers we gave a statement of such particulars as had reached us respecting the prosecutions for assault and libel, which took place in the Supreme Court of Bombay. Various letters, recently received from that Presidency, enable us to fill up the outline there given, and to add several details not before known, but which are highly illustrative of the state of parties

and feelings at that Presidency, and on that account are worthy of being preserved.

The first of these prosecutions was for an assault, and was commenced by Mr. Irwin, a barrister, against Mr. Graham, who is not a regularly admitted attorney, but assists *as a principal*, in the office of Mr. Hopkins, an attorney of Bombay, and a very respectable man. The second prosecution was for a libel, and this was also at the instance of the same barrister, and against the same attorney as the first. The history of these transactions is as follows:

On the 5th of December, 1825, Mr. Irwin attended at the Petty Sessions, (held before the Police Magistrates) as counsel for the defendant in a case in which Mr. Graham prosecuted for a nuisance. A very violent altercation took place between Mr. Irwin and Mr. Graham, an altercation which had commenced on a former occasion at the same place. It was stated by the Magistrates, who were called as witnesses upon the trial in the Supreme Court of Bombay, as well as by other witnesses, that the first provocation was given by Mr. Irwin; that his language and manner was throughout much more violent and improper than Mr. Graham's. It appeared also, that at the conclusion of the altercation on the 5th, Mr. Irwin made use of the words "You scoundrel," addressed to Mr. Graham; and that, as he left the room, he said to Mr. Graham, making the most violent gesticulations, "You shall hear further of this." It was also found that Mr. Irwin said he would have the Coronership taken from Mr. Graham, the appointment to this office being in the gift of the Government. Mr. Irwin himself admitted, upon his examination, that he was very much irritated; that he was not in possession of himself; that he might have said many things which he did not recollect, from passion and irritation.

On the next day, the 6th of December, Mr. Graham sent Captain Mallard, an officer in the Company's Marine, and a most respectable individual, to Mr. Irwin. Captain Mallard told this gentleman that he called on him as a friend of Mr. Graham's, regarding an unpleasant expression which Mr. Irwin had used at the Petty Sessions, in the hearing of two gentlemen, the words "You scoundrel." Captain Mallard asked Mr. Irwin whether he had used that expression or not. Mr. Irwin refused to answer him, on the plea, that he did not think Mr. Graham on the same footing with himself, nor had he ever met him in society. After some more conversation, Captain Mallard left Mr. Irwin, who adhered to his first resolution, that he would not answer Captain Mallard's question.

On the following day, December 7, Mr. Graham horse-whipped Mr. Irwin at the Racket Court, whilst he was playing billiards with Mr. Warden, member in Council. For this, Mr. Irwin indicted Mr. Graham. Mr. Warden was called with other witnesses to prove the assault. The Jury were with difficulty prevailed upon by the Chief Justice to find a verdict of guilty, and they accompanied the ver-



dict with a strong recommendation to the merciful consideration of the Court, on the ground that the provocation given by Mr. Irwin to Mr. Graham far exceeded the offence of the latter in inflicting personal chastisement on the individual who had so grossly insulted him.

In consequence of the affair that had taken place at the Racket Court, Mr. Parry, a barrister, Mr. Le Messurier, another barrister, Mr. Warden, member in Council, and the principal, Mr. Irwin, had a meeting at Mr. Parry's house the day after the assault; at which it was agreed between them, that Mr. Irwin should draw up a statement of his conduct, and the reasons of it, and that all the members who were of their party should be summoned as to a meeting of the Racket Court for the next day; when Mr. Warden should move that Mr. Irwin was quite correct in what he had done. This was accordingly put in train; the summons to attend the meeting was issued, not to *all* the members of the Racket Court, but to their own friends merely. This trick, however, which was had recourse to for the purpose of white-washing Mr. Irwin, did not succeed both the manœuvre and the intended meeting got wind; and when Mr. Irwin and his partisans reached the Racket Court, they found a party as strong as themselves in possession of the ground. But however, as their cause was, with a member of Council for their leader, they pushed on. Mr. Warden commenced the proceeding by reading Mr. Irwin's statement, in which the events, as they afterwards appeared in evidence, were much misrepresented; and Mr. Irwin rested his defence upon the ground that Mr. Graham was not a gentleman; that he had never met him in society; that he only knew him as an attorney's clerk coming to his office with professional papers; that he would not have taken the liberty even to sit down in his presence without his permission on such an occasion; and that Captain Mallard had stated to him that he was a stranger to them both.

Mr. Warden followed up this measure by reading a paper which he himself had written, and which was afterwards produced in Court, and proved to be *in his own hand-writing*, in which the same language, with respect to Mr. Graham, was repeated, and in which Mr. Warden added, that these motives appeared to him to constitute sufficient reason for Mr. Irwin's refusing to afford the satisfaction demanded of him; whilst the ground on which Mr. Irwin declined to name his friend, after having explained his reasons for refusing all explanation, was strengthened by the remark with which that demand was prefaced by Captain Mallard, namely, that he did not know any thing against Mr. Graham's claim to the character of a gentleman; that he had interfered at his request to endeavour to settle the affair, and was sorry that he was not likely to succeed; *that he was a stranger to them both.*

Captain Mallard, however, when examined in Court, expressed

and positively denied having used those words; on the contrary, he stated, that he had told Mr. Irwin that he had known Mr. Graham for a number of years, and that he had never known anything against his character as a gentleman.

. Mr. Warden and all the witnesses allowed, both at the Racket Ground and in the Supreme Court, that Mr. Graham was a gentleman, and a person of very respectable character; and that the only reason of his not having mixed in society, was, his own wish to live a retired life. Mr. Warden himself also stated in Court, that he had told Mr. Irwin the day before the meeting at the Racket Court, that *he thought he, Mr. Irwin, was mistaken as to the character of Mr. Graham*; and yet, AFTER such an admission to Mr. Irwin, Mr. Warden reads to the Racket Court these two papers, one of them in his own hand-writing, in which it was stated that *Mr. Graham was not a gentleman!*

At the Racket Court, however, Mr. Warden's motion for approving Mr. Irwin's conduct, was negatived, and there was even some discussion as to the propriety of ejecting Mr. Irwin from the Society; but it was at last agreed, that they should call another meeting of *all* the members in a few days' time. 'This meeting was accordingly summoned and met; when the papers were again read. It should be especially remarked, that no notice had been given to Mr. Graham of these intended meetings, in either case; though the papers intended to be read, and the discussions which ensued, affected his character most materially. The discussion indeed entirely rested on the question, whether Mr. Graham was a gentleman or not? On this last occasion Mr. Norton was also present, and a great deal of abuse was heaped upon Mr. Graham, both by him and by Mr. Warden. Amongst other things it was said, that Mr. Graham could not be a gentleman, and that a barrister could not go out with him, for these reasons; namely, that an attorney's clerk was lower than a barrister's clerk: and that since a barrister could not go out with his own clerk, he could not go out with that of an attorney! This reasoning was first used by Mr. Norton, and taken up and repeated by Mr. Warden. Mr. Graham having heard of this meeting, had sent by a friend, to the Racket Court, a counter-statement, which was read, and for which Mr. Graham, as the author, was indicted, as for a libel. This statement alleged that he, Mr. Graham, had himself taught Mr. Irwin, when first he arrived in India, to draw a bill in equity; that when Mr. Irwin first landed in Bombay he did not know what a bill in equity meant; and that he, Mr. Irwin, had attempted to degrade Mr. Graham from his rank as a gentlemen, in order to cover his own cowardice.

The trial for this libel, formed a curious exhibition. In the course of it, the Company's Advocate General, Mr. Norton, who conducted the prosecution for his brother barrister, Mr. Irwin

called *himself* as a witness for the prosecution ; and gave an account of what had passed at the Racket Court. Mr. Parry, who was also of counsel for Mr. Irwin, was named on the back of the indictment as a witness ; but he afterwards declined acting as counsel in the prosecution for the libel, though he acted as such on that for the assault ; and the name of Mr. Le Messurier, another barrister, also appeared, in the depositions taken before the magistrate, as a witness for the prosecution.

In this case also, as in the former, the jury were with difficulty prevailed upon to give a verdict of guilty, and accompanied their verdict with a recommendation to the merciful consideration of the Court, upon the same ground as before, that the offence on the part of the prosecutor, Mr. Irwin, was much more grievous than that of the defendant, Mr. Graham.

The Court fined the defendant for each offence one hundred rupees ; and thus ended this memorable contest, in which certainly the barristers appear to no great advantage, but in which Mr. Warden, the Member of Council and the second individual in point of rank and power in the Government, is exhibited in a light which we think ought to open the eyes of the Directors at home as to whether his further continuance in office at that Presidency, is likely to add much to his dignity or their own.

#### HOSTILITIES BETWEEN PERSIA AND RUSSIA.

The following paragraphs from the ‘Globe,’ convey information which may be considered of importance by some, and therefore worth recording. It may end in nothing, as such irruptions often do ; or it may be only the first of a series of acts by which the Russians may make their advances to our Eastern confines, under such pretences as time and events may suggest. We shall watch their progress and report it faithfully.

‘The ‘Glasgow Courier’ contains the following leading paragraph :

“Through a private and most respectable source of information in the Persian capital, we learn that the Persians have actually resolved to embark in a war against Russia, and that the Prince of Persia had left the capital, with a large military force, to proceed to the Russian frontier. The Russian force in that quarter amounts to upwards of 80,000 men, under the command of one of the bravest and best of her generals (Yermoloff), a force, we conceive, sufficient to sweep the Tigris and the Araxes of any force which may venture to attack or to oppose them, and to plant, in a few months, the Russian standards in Teheran.”

‘We have ourselves stated the belief that prevails in India, among the persons best acquainted with the affairs of Persia, that the hostility of the Persian Court towards the Russians would lead to this result. The folly of such an enterprise does not deprive the positive testimony of those who have had the means of observing the proceedings of the Persian Court, of its title to credit. Englishmen in the East see as clearly the absurdity of which Persia would be guilty, in provoking Russia, as Englishmen in London, and they must feel

even a stronger reluctance to believe that this provocation will be offered—but yet the facts they have witnessed have forced this belief upon them.

‘Eastern Cabinets are frequently rendered rash by the excess of their suspicious—suspicions arising from their ignorance of the policy and mode of thinking of other nations. The force collected by Russia to repress the Caucasian tribes may have excited the jealousy of Persia: but we can only at present express a confident belief that Persia has voluntarily commenced hostilities. The cause of this strange step time will explain.

‘The intelligence which we gave from the ‘Petersburgh Journal,’ of an irruption by the Persians into the Russian territory, derives importance from the confirmation which has reached us from other quarters. Not only have reports been circulated at Constantinople of the actual commencement of war, but the accounts received by way of India of the temper prevailing towards Russia in Persia are said to render such an event probable. Though the Persian Court has long been alarmed at the power of its northern neighbour, and has seemed to be aware of the danger to which such a neighbour exposed it, it has fostered a feeling of hostility much more likely to hasten the danger than to avert it. Whether it has actually encouraged the inroads made into Russia, cannot of course yet be known; but there is great reason to fear that it will not give the satisfaction which General Yermoloff is directed peremptorily to demand. This conduct towards such a power as Russia may be inconceivable to those who have not observed the caprices and follies of Eastern courts. Many a little sovereign in India, quite as unequal to a contest with the British power as Persia is to one with Russia, has provoked his destruction merely because he has feared that at some time or other we should destroy him. As General Yermoloff was directed, (and that, too, before the particulars of the irruption were known at St. Petersburg,) to demand the deposition and punishment within *five days* of the chief who violated the Russian frontiers, and in the event of a refusal or delay, immediately to advance and commence offensive operations, the issue must soon be ascertained.

‘If hostilities should commence in that quarter, we shall have (no doubt) great, and perhaps exaggerated alarms, as to the security of our Indian possessions. If Persia be overrun, nothing will be interposed between the Russians and British India but a barbarous tribe or two, who may be not unwilling to open the way into our dominions, and who at any rate could not prevent it from being opened. On this score we should not, however, feel great apprehensions. The condition of Russia must be much changed before it could attempt to invade India with any prospect of success. The expedition of Bopparte into Russia is a warning to those who undertake to fight against nature and space.

‘The English power has taken root in India gradually; it has availed itself of the strength of the natives and the wealth of the soil. The Russians would have to contend against a more numerous people, supported and conducted by a more civilized one than themselves. Still, no doubt, a powerful neighbour is much less agreeable than a feeble one, and any war in which the existence of Persia is threatened, will call for and justify some precautions.’

The Persians who have made an incursion on the frontiers of Russia amount to 10,000 men. They have carried off women and children, and flocks, burning several villages. The Emperor was much distressed at this news, and what increased his sorrow was, the assurance given him that English uniforms had been seen on the troops who had committed these ravages.

The extracts given below, from Russian papers of the end of August, are curious, as showing an extent of commercial intercourse on the borders of that country and Persia, of which few persons in England seem to be aware:

‘*St. Petersburg, Aug. 17 (20), 1826.*

‘Notwithstanding the importance of trade with Persia, it has been little understood up to this time in Europe. The merchants of Constantinople

### Summary of the

know little of the market. The English is the only nation which trades direct with Persia, by the port of Bushire, in the gulf of Persia, where they sell their merchandise either for ready money, or barter it against silk; and the English trade is very considerable. The festival called Nourouz, which is celebrated at Tabriz, Teheran, and in all parts of Persia, at the end of February, is the most proper time for the sale of European merchandise. The fair, which takes place at this time, continues a whole month. It is necessary to arrive at Sultanea in the month of June, during the annual stay there of the shah. This is the only town in Persia where goods are sold for cash, because there is no barter trade; at Tabriz, on the contrary, the principal transactions are by barter; nevertheless, European cloth of gold and silver, as also a small assortment of other goods, are bought for ready money. Persia receives from Constantinople manufactured silk, cloth of gold and silver, and other French manufactures, for the purchase of which 300 merchants of Tabriz make the journey annually; the Prince Abbas Mirza ordinarily devotes 20,000 tomans in this sort of speculation. The distance from Tiflis to Tabriz is about 600 versts. This journey, which is made with the convoys of merchandise, in about twenty-two to thirty days, and which may be made on horseback in six to ten, is traversed by an infinity of rivulets, which must be forded, which occasions many difficulties at the time of the mountain thaw. At all times this road is free from danger, and provisions may be procured every where. The caravans consume ten days in going from Tabriz to Sultanea, at which place a person on horseback may arrive in three.

At this present time the Armenians send, by the way of Tiflis and Ghilan, to the amount of 1,600,000 rubles of Russian merchandise, the chief of which are glass ware and crystals, coarse calicoes, refined sugar, nankeens, printed calicoes, common cloths, and such like. This trade from Astrakan is carried on by sea to Lenkoran, from whence the merchandise is forwarded to Tabriz by horses. At Tabriz there is an annual arrival by the way of Erzeroum of ten to twelve caravans, from Constantinople. According to the Persian Custom-house registers, Persia imports by this road to the amount of four hundred thousand tomans of English and French goods, and gives in return raw silk, Cachemere and Kerman shawls, tobacco, indigo, and pepper. Very little is brought from Smyrna, because the goods must be bought with ready money. Two or three hundred horses bring annually from Trebizond to Tabriz, glass-ware, pottery, porcelain, and ordinary cloths; from Bushire are brought sugar, coffee, indigo, printed cottons, coverlids, and English cotton goods to a considerable amount. The value of the imports at Teheran and Tabriz by this road, is reckoned at about a million of tomans. The shawls of Cachemere are also brought by the way of Bushire, because the road by land is dangerous. Lastly, by the way of Bagdad many English and French goods are brought, and by this road, at least to the amount of 100,000 tomans, in goods are brought to Tabriz.

### TUMULT OF THE CHINESE OF MACAO.

The following curious statement is from a Portuguese paper, published at Macao, entitled *Gazeta de Macao*. Macao is a Portuguese settlement, in the Bay of Canton, and it is the only establishment of foreigners permitted in the Celestial Empire: the Portuguese obtained this singular privilege as a reward for a signal service performed to the Chinese Government in destroying pirates that infested their coasts.

MACAO, MARCH 18.—There took place in this city, on the 11th of February, a horrible assassination of a Chinese, perpetrated by a native of Timor, the slave of Major Joseph Caetano Favacho, as will be seen by the narrative and sentence which have been published. This was a very nice case, and one of the greatest difficulty in this country, as the Chinese authorities imperatively demanded satisfaction for it. The most illustrious governor of the city, conjointly with the illustrious senate and the *owidor*, conducted it in the most prudent and cautious manner, in order to conciliate the

mandarins, without giving up the assassin to the power of their barbarous justice, as was anciently the case; and having conformed in every thing to the royal ordinances, they amicably obtained the object which they aimed at. The assassin having been sentenced to death by the junta of justice of this city, was destined for execution on the 13th of March. His execution accordingly took place, at eight o'clock in the morning of that day, on the exercise ground, in the presence of the mandarins and a multitude of Chinese spectators, who came to see him hung, and his hands and head cut off, conformably to his sentence.

At this moment, a Chinese prostrating himself at the foot of one of the principal mandarins, begged leave humbly to speak, and declared, that the real murderer was not the person who had just been executed; but Major Joseph Caetano Favacho himself; that therefore the Chinese were not satisfied with the justice which the Christians had carried into effect, adding, that the Christians were not in the habit of doing justice. On this the mandarin, calling an officer of justice, ordered the complainant immediately to be scourged.

On this a band, composed of robbers, to whom the Chinese gave the name of *Lan-chais*, advanced from the multitude which had assembled to see the execution, and taking advantage of the opportunity to exercise their trade, occasioned such tumult and confusion, and threw such a quantity of stones, that many persons were severely hurt, and among the rest two mandarins. The robbers, upon this, precipitately entered the city, threw stones at the houses of the Christians by which they passed, and breaking open the doors, robbed the house of Major Favacho and many other persons. They then passed on to attack the senate house likewise, and knowing that the said Major was in the palace of the Governor (who was himself in the *Fortaliza do Monte*, with the members of the illustrious senate and the ouvidor), they proceeded to the said palace, and attempted to enter it by force, but were repelled. When it was seen from this fortress that great confusion had taken place in the city, a detachment of soldiers was sent thither, along with other persons, accompanied by a portion of negro slaves, who in a short time put them to flight. The robbers, however, spreading themselves through the bazaar, and an opportunity offering by the distance in which Terrafero is situated, and by their having their boats on that beach, they ran thither and were enabled to commit robberies likewise in that place to a considerable extent. They were only driven away and forced to embark by a field-piece brought against them. Two other field pieces were placed in the square of the senate, ready to be used in case it was found necessary.

The mandarins passing through the city in the height of the tumult, and not being able to appease it, were stoned afresh, and retired to the New Pagoda, beyond the city, whence they were only enabled to escape when tranquillity was restored. It is true that the robbers, besides pillage, committed destruction in the houses, but they did not do it with impunity, for those that came out to quell the mob performed their duty so well, that they wounded many of them, and some of them severely. The number of Chinese who came to see the execution might be within a few of 3000, of whom a considerable portion were engaged in the riot.

This was the first time that we had observed a formal rising of the Chinese against their own authorities. Not even respect for the presence of Quan Chew Fu, Governor of Canton, who was delegate of the Viceroy, and was present to witness the execution, could not restrain them, although he was accompanied by other mandarins, who were likewise maltreated, one of them, who was on horseback, being dismounted.

On the 14th (next day) the *Lan-chais* returned to the bazaar, and endeavoured to prevent the sale of commodities to the Christians. They were, however, by the precautions taken, forced to fly, and tranquillity appears to be re-established. The best understanding and harmony exist between our authorities and those of the Chinese, from whom we have demanded a signal

satisfaction for the insults which were offered us on that day, and which they permitted.

"We shall publish the official correspondence which has taken place between the procureur of the city and the mandarins, as soon as we obtain a copy of it."

#### SINGAPORE.

A very large junk arrived here from the province of Quangtung on the 18th of Feb. 1825. On the day of her arrival a very unusual bustle was created amongst the small ferry boats and other craft belonging to the port, who were all employed landing the passengers. These, to the number of 870, were set on shore on whatever part of the sea beach the heavy laden boats could fetch, and prescated in this first stage of emigration a most dismal spectacle. Few of them had anything besides the clothes on their back, and many of them scarcely sufficient clothing to cover them. A day or two after their arrival, about 300 of them embarked for Rhio, and 100 more have distributed themselves amongst the neighbouring settlements. The cargo of this junk, although bulky, is not of a valuable description; tiles, for flooring and roofing, constitute a portion of her lading. The value of the whole cargo is estimated at about 21,000 dollars.

On the next morning another large junk arrived from Quangtung. She anchored a long way out and was soon surrounded with boats of every size and description, in which the passengers, to the number of 1050 persons, disembarked. Notwithstanding the great increase in the number of emigrants to these countries from China, the amount of passage money is still extremely moderate. Each emigrant pays only six Spanish dollars, for which sum he receives food during the passage. The smallness of this charge enables the greater number to pay in advance, by which means they are at liberty to go into what service they choose immediately on their arrival.

#### THE PHILIPPINES.

We hear from Manilla that the Government there has prohibited the exportation of rice. No cause is assigned for this measure, which was the more unexpected, as the crop is said to be an unusually abundant one. We shall be glad, for many reasons, to learn that this proves to be only a temporary measure; we shall be glad of it upon general principles, because we are convinced that the greater the demand which exists for any article, especially for articles of food, the greater will be the supply; whilst with the fertile soil of Luconia, and its contiguity to Cochin China and other rice countries, apprehensions of continued scarcity need never be entertained. We have also the experience of this place (Singapore) to bear us out in the opinion, that wherever the unshackled importation and exportation of articles of primary necessity is permitted, the prices of them will generally be upon a level with the lowest of the markets from whence the chief supplies are drawn.

We shall be glad of it upon narrower grounds, because as there appears to be a market in China for all the rice which Luconia can supply, and as the intercourse between Singapore and Manilla seems to be increasing, we shall be pleased with whatever extends the exchangeable commodities, and consequently the resources and prosperity of so fine a country.

An order has been issued to the alkaldees or chief magistrates in the several provinces to send all the Chinese residing within their districts to the capital, and it is reported that an effort is making to procure their expulsion from the country. The enlarged views of the new Governor will, however, it is to be hoped, prevent a measure so ruinous, as this would prove to the country, being forced upon him by the clamours of ignorant and interested people. Should it, however, be carried into effect (as we hope it will not) we should probably have no reason to regret it here, as it is expected that in this event, many of the richest China-men in Manilla, will transplant themselves to Singapore, where the value of this intelligent and industrious race

is too well known not to obtain for them every encouragement to settle, more especially when, in addition to their peaceable and enterprising habits, they bring wealth along with them to give a fresh stimulus to our prosperity.

Since writing the above we have learned that some exportations of rice have been made to China, and that the Governor reserves to himself the power of permitting it to be exported when the price does not exceed 12 reals per coyan.

#### CAPE OF GOOD HOPE.

Our present Number contains such ample communications respecting the Cape of Good Hope, including extracts from its latest papers, in two separate articles devoted to this subject, that we have left ourselves only the following to offer under the head of News from that quarter—the first from the 'South African Commercial Advertiser' of the 7th of June, and the second from a private letter of three days subsequent date.

#### THE LATE GALE AT THE CAPE.

'The gale which blew so violently from the north-west on the two days preceding the publication of our last, (June 7th,) but which, up to that time, had fortunately been productive of no injury to the shipping in the bay, continued to rage with increased vigor until about five o'clock on Wednesday last, when the wind shifted to the southward, accompanied by a dense and heavy rain, and all fears of further mischief subsided.

'During the whole of Wednesday—such was the tremendous increase of sea which rolled into the bay—not a vessel was considered to be in safety. The *Columbine* and the *Success* were in the most imminent danger—and the latter, but for being timely supplied by Mr. Sinclair with an anchor and cable, must inevitably have gone ashore. The *Olive Branch* also, at one period, was momentarily expected to part from her cables. In the course of the day, the cutter *William*, the schooner *Duke of Gloucester*, and the brig *Nautilus*, (bound to the Mauritius with horses, &c., went on shore;—the two former have sustained but trifling injury, and the latter, it is estimated, may be got off, and rendered sea-worthy at a moderate expense. It was gratifying to observe, that notwithstanding the torrents of rain which continued to fall during the whole of the evening, the utmost anxiety was manifested by the inhabitants, many of whom remained on the jetty, and near the wrecked vessel, ready to offer any assistance which might be required.'

#### Extract of a Letter, dated Cape Town, June 10.

'This Colony appears to be fast approaching its lowest possible ebb, for no greater distress can well be imagined than has prevailed here among all classes during the last twelve months. The chief causes appear to be the alteration in the currency, and the sudden withdrawing the circulating medium, replacing it in specie scarcely one-third the amount retired; of which one-third, three-fourths at least, have already been sent out of the Colony, owing to the premium of three per cent. which is demanded by the Commissariat for bills on the London Treasury. Add to this the stagnation of our wine-trade, owing to the condemnation of our staple commodity by the Chancellor of the Exchequer. These accumulated evils seem to have entirely broken us down. Men possessing property worth from 500,000 to 1,000,000 rix-dollars, cannot now raise five thousand. Slaves (not having it in their power to move off the estates of their masters) are idling about the vineyards, while the proprietors, for want of capital, are unable to turn their attention to any thing else. The farmers are in great distress from the failure of the last harvest, having, in



very few instances, reaped enough to supply them with seed-corn for the next season, which distress was heightened by the late most impolitic restrictions upon the importation of corn into the Colony. The merchants are checking their imports, from the great decrease of consumption, and the revenue of the Custom-house is consequently falling off. To find remedies for these grievances ought to be the employment of the Commissioners of Inquiry. They have been at work already for three years, yet so interminable do their labours appear, that it may be doubted whether they will be finished in three years more. As yet the only benefits which have resulted from their labours are an increase to our burdens of nearly 9,000*l.* a year (120,000 rix-dollars.)

‘It cannot be denied, that their task has been Herculean. One of our heaviest burdens is a salary of 600*l.* a year, and a house to live in, to a gentleman, merely for keeping a grammar-school, the price of admission to which is 100*l.* a year each pupil! With one stroke of a pen the Chancellor of the Exchequer annihilates our wine-trade, and with another stroke of the pen, at the same time, Lord Bathurst burdens this insolvent Colony with a grammar-master at 600*l.* a year, when a classical school already existed, which was conducted in an effectual manner, and entirely on the responsibility of the masters! Surely this is a fit subject for inquiry; 600*l.* a year in this Colony is felt more severely than 6,000*l.* at home.

‘We have also a superintendent of police, with 700*l.* a year, of no earthly use. This gentleman has been an officer in the army, and is said to be a cousin of the Duchess of Cambridge. His imposing name, Baron Lorentz (a Hanoverian noble), is said to be alone worth 700*l.* a year. We know he is useless here, for we already have an active man officiating; and if any change be made, surely a legal man ought to be selected, and not a half-pay officer. Further, we have a clerk of the council, Mr. Dudley Perceval, a son of the late prime minister: this gentleman has 800*l.* a year for officiating *once* a week for two or three hours! This colony cannot afford to pay such extravagant idlers; and I will explain why they cannot. A short time ago, the “Wine Committee” applied to Government for part of the tax which is levied upon the wine farmer, to support the “Library,” with a view to appropriate it to the improvement of wine, in the purchase of screws, presses, books, &c.; but his honour replied, he did not, in the present impoverished state of the colonial revenue, feel himself at liberty to appropriate one farthing to that or any other purpose! I hope our affairs will be, by Parliament, probed to the bottom.

‘Our silver money, owing to an absurd three per cent. premium being tacked on to the commissariat bills, is fast disappearing; besides, the commissary is not authorized to draw for sums under 100*l.*; the consequence is, that those who require remittances below that sum remit silver money, and this class is by no means small. In the first instance the amount sent was not sufficient; it is true a merchant can procure bills to any amount for rix-dollars, upon the English treasury; he cannot take his dollars to the Bank and get, say 50,000, changed for silver; and thus he is cut off from all trade with any place *but* England. If he wishes to send to Van Diemen’s Land, or to Rio Janeiro for a cargo of wheat (and our ports are *now* opened), he cannot do it; he must send to England, because he cannot procure hard cash, and his produce and his paper dollars are not marketable in any part of the world. Thus the Colony may be starved, or, at all events, put to very serious hardships, for want of flour, and so on, through the regular routine of commerce. This grievance is worthy of the most serious attention of Ministers.

‘The Commissioners have lately taken a large house, and seem likely to remain at least many months longer.

‘It would be great injustice not to bestow every praise on our Lieutenant-Governor; as far as his limited power enables him, he labours for the good of the colony.’

**GENERAL ORDER ISSUED BY SIR ARCHIBALD CAMPBELL AFTER  
THE STORMING OF PAGAMMEW.**

**GENERAL ORDER.**

*Pagam-mew, Feb. 9, 1826.*

Providence has once more blessed with success the British arms in this country, and in the decisive defeat of the imposing force, posted under, and within, the walls of Pagam-mew, the Major-General recognises a fresh display of the military virtues which have characterised the troops from the commencement of this war. Early on this day, the enemy departing from the cautious system of defence, behind field works and entrenchments, which forms their usual device of war, and relying on their numerical superiority, and singular advantages of ground, ventured on a succession of bold manœuvres, on the flanks and fronts of the British columns. This false confidence has been rebuked by a reverse, severe, signal, and disastrous. Their troops, at either arm, were repelled at every point, and their masses driven, in confusion, within their city. The storm of Pagam-mew which followed, exhibited the same features of intrepidity and self-devotion. The frequency of these acts of spirited soldiery on the part of his troops, renders it difficult for the Major-General to vary the terms of his praise, but he offers to every officer and soldier engaged this day, the tribute of his thanks, at once, with the affection of a Commander, and the cordiality of a comrade.

*General Orders by Commander-in-Chief.*

*Head-Quarters, Bhurtpore, Sunday, Jan. 19, 1826.*—The Right Hon the Commander-in-chief congratulates the army under his personal command on the brilliant achievements that have crowned its services in the assault and capture of the fortress of Bhurtpore.

The highly creditable manner in which the previous operations connected with the siege were carried on, the cheerful endurance of fatigue, hard labour, and the vigilance displayed on all occasions by every arm of the service, were duly appreciated by his Lordship, and gave earnest of that devoted gallantry and ardor which were shown yesterday in the assault of the enemy's fortified towns, the total rout of his force with immense slaughter, the evacuation of the strong citadel which immediately followed, and finally, the capture of the usurper and his family, with most of his chiefs, form the most complete series of successful events that the most ardent expectation could have contemplated, and shed lustre over the brilliant performances of the day, without leaving a wish connected with the glory and reputation of the army unsatisfied.

Lord Combermere, guided by the usage of the service, now proceeds to the pleasing duty of particularizing those officers by name whose situations in command gave them opportunities of more particularly distinguishing themselves; but his Lordship desires to assure the army in general, that in thus complying with an established rule, he feels and acknowledges the difficulty he has in rendering justice to the merits and claims of a vast many, indeed of the whole of those immediately engaged, wherein all performed their duty so entirely to his satisfaction.

To Major-Generals Reynell and Nicolls belong (independent of their indefatigable exertions during the previous operations of the siege) the peculiar merit of forming and conducting the storming columns of their respective divisions, and by their animating example carrying the enemy's works with rapidity and energy, that will long be remembered by all who witnessed the conduct of the troops when mounting the assault. The arrangements which fell to the share of Brigadier-General Sleigh, C. B., commanding the cavalry, not only during the assault, but from the commencement of the investment of Bhurtpore, are to be appreciated by the fact that none of the enemy

escaped from the fort, but on the conditions of surrender; and that the capture of the usurper, Dorrjun Saul, with his family, and almost every person of rank or authority under him, has been effected through the vigilance and gallantry of the several corps employed under his command.

The services of the 1st and 8th corps of irregular horse, under the command of Lieut.-Colonel Skinner, assisted by Major Frazer, throughout the siege, have frequently elicited the highest admiration and applause: nothing could exceed the devotion and bravery of this valuable class of soldiers; and Lieut.-Colonel Skinner, and Major Frazer, fully merit this acknowledgment of his Lordship's unqualified approbation of their conduct and that of their men.

To Brigadier MacLeod, C. B., in the general command of the artillery, and Brigadiers Hetzler and Brown, commanding the siege and field artillery respectively, the Commander-in-Chief feels greatly indebted for their highly creditable exertions, as also to the whole of the officers and men of the artillery, for the excellent display of scientific correctness in their batteries, as well as for their commendable endurance of fatigue which the nature of the service necessarily exposed them to.

The science, the devotion and fortitude, evinced on all occasions by the officers and men of the engineer corps, it would be difficult to appreciate fully: many were the instances displayed by this body, that proved their worth, and excited general admiration. Brigadier Anbury, C. B., principal field engineer, and all the officers under him, are particularly entitled to the approbation and thanks of the Commander-in-Chief.

To Brigadier-Generals Adams, C. B., MacCombe, and Edwards, and to Brigadiers Murray, C. B., Childers, Whitehead, Patten, C. B., and Fagan, the Commander-in-Chief offers his best thanks for their meritorious exertions, at the head of their respective brigades; nor can his Lordship omit from the list of officers to whom his thanks are due, the names of Lieut.-Colonel A. Nation, John Delemein, F. Wilson, N. S. Pepper, W. C. Buddely and Bowyer, and of Majors Fuller, Everard, and Bishop, of his Majesty's service, with that of Major George Hunter, as having been particularly brought to his Lordship's notice for their conspicuous conduct in command of regiments engaged in the storm.

His Excellency greatly laments the loss of officers and men on this important occasion; but it affords him some consolation to add, that notwithstanding the vigorous and determined resistance every where evinced by the enemy, this loss has been confined within as narrow limits as could be looked for, in the attainment of such a conquest. The wounded officers and men have his Excellency's warmest sympathy for their sufferings, and anxious solicitude for their comfort and speedy recovery. Among this number his Excellency cannot refrain from introducing the name of Lieut.-Colonel Faithful, whose previous wound deprived the service of his valuable aid.

The Commander-in-Chief gives his warmest thanks to Lieut.-Colonel Watson, Adjutant-General of the army, and to Lieut.-Colonel Stephenson, Quarter-Master-General, for the indefatigable zeal and abilities which they have displayed in carrying on the important duties of their respective departments. To Major-General Sir Stamford Wittingham, Quarter-Master-General, and Lieut.-Colonel MacGregor, acting Adjutant-General of the King's troops, Lord Combermere has to return his best acknowledgments for their services.

Lieut.-Colonel the Hon. J. Finch, Military Secretary, and Captain Macan, Persian Interpreter, have merited the approbation and thanks of the Commander-in-Chief, not only for their assiduity and good judgment in carrying on the business of their respective offices, but for their zealous assistance in the field.

To Captain Dawkins, and the rest of his personal staff, Lord Combermere has to return his best acknowledgments, for their zeal and activity on all occasions.

## SUPPLEMENTARY INTELLIGENCE.

AFTER our pages were closed for the press, the arrival of the *Hamburgh ship Asia*, in three months and ten days from Bombay, brought us papers and letters from that Presidency, to the 18th of June, two months later than the intelligence brought by the overland despatch. Of these we have only been able to take a hasty glance; in which we have gathered from them the subjoined particulars, of which we must content ourselves with a very brief notice in this place, reserving the more ample details of such subjects as may appear to deserve further elucidation, for the ensuing month.

A Bombay paper, of the 29th of April, having reiterated its announcement of the ratification of a treaty of peace with the Burmese, goes on to observe, that Sir Archibald Campbell, and the other Commissioners, had returned to Calcutta; and that, as there was no time to be lost in withdrawing our troops from the enemy's country, six European regiments had already embarked at Rangoon for India. According to this Bombay politician, the twenty-five lacs of rupees which were paid as the first instalment of one hundred lacs by the Burmese government, were likely to be the only portion the Honourable Company would ever receive, to defray the enormous expenses of the war. Still he considers the termination as honourable upon the whole, because our armies penetrated the enemy's country, defeated his forces, and dictated a treaty of peace in the neighbourhood of his capital. But, says he, "there are persons who look for something more solid than honour, and inquire what real advantages we have derived from our Burmese campaign. To these persons no satisfactory answer can be given. The territory we have acquired is not thought to be very valuable, either as promising an increase of *surplus revenue*, or as opening new channels of commercial enterprize. One thing must be obvious, however, to every one, that independent of their value, "their possession places us in new and complicated relations with states formerly at a distance from us, and regarding which, we are still in a degree ignorant: and how far the adoption of a position, which multiplies to a great extent the points of collision on our frontier, is founded on sound policy, may be a subject of dispute. But, whatever opinion may prevail on the policy of the war, there never was a service more unpopular in an army, than the late campaigns in the Burmese territories."

A Bombay paper, of the 25th of April, says, "We have received a letter from Kattywar; which mentions that a native had been seized there, who, it would appear from the papers found upon him, had been sent from Hindoostan in December last, to enlist men and excite disturbances in the provinces. Among his papers was a commission from the Ex-Rajah of Nagpore, appointing him to

enlist men, and fixing his pay, as Captain *Comerdon*, at a hundred and fifty one rupees, and that of his *Adjutaun*, at ninety rupees per mensem, and specifying a great number of other items. The native is said to have come into the country with two others, both of whom made their escape, and cannot be traced. They visited the different temples in Kattywar, and professed to have come on a pilgrimage, but it is now known that they had had conference with the principal chiefs, and had been introduced by a Gossein, who stated that he 'had been desired by one of his tribe at Oudepoor, to advance them any cash they might require.' The credit of the Native who had been seized is, however, reported to have fallen with the fall of Bhurtpoor, and it is said, that in addition to his commission from the Ex-Rajah of Nagpore, he had confessed that he had received instructions from Runjeet Singh, but of what nature, our letter does not inform us."

The homeward bound ship *Stanmore*, Captain Francis Farquharson, bound for Madras and London, having left her moorings at Calcutta, early in April, after embarking a considerable number of passengers, anchored off the Cooley Bazar, where she perished by fire. About eight o'clock in the evening, while the passengers were promenading on the poop, and some sitting in the cuddy, a smoke, accompanied by a suffocating smell, was discovered issuing from one of the gun-deck stern cabins, which, upon being entered, was discovered to be in a blaze, a part of the furniture having caught fire through the carelessness of some maid servants, who, instead of giving an alarm, were found fruitlessly exerting themselves to subdue the flames, which at this period had gained a height beyond the power of any control whatever. Too much praise cannot be bestowed on the exertions of Captain Farquharson and the other officers and crew of this ship, who, at the peril of their lives, made every exertion to preserve some portion of her very valuable cargo, but without effect.

We learn from a Bengal paper that Mr. George Trebeck, the companion of the late Mr. Moorcroft in his perilous travels through barbarous and unknown countries, has also fallen a martyr in the cause of Oriental Knowledge and Science. Mr. Trebeck survived his friend only a very short time, and died at Shah Murdon, on the 12th of December last, at the early age of twenty-four.

A Bombay paper, of April 22, says, the H. C. Brig *Palinurus*, from Cossier, anchored in the harbour on Thursday morning. The late Commander-in-chief, Sir Charles Colville, and the party that accompanied him, had proceeded before her departure, in high health and and spirits, on their route through Egypt.

At Dereh Ismail, a place on the confines of Lahore, the son of Ahmed Khan, the Jaghirdar, has exercised so much oppression, that, after shutting up their shops, and desisting from all occupa-

tion for several days, the people rose in a body, and left the town.

It appears, from the Calcutta papers, that another steam vessel, the *Falcon*, had anchored in the river Hooghly, having left England on the 12th of November. This, if her steam apparatus was really employed, is a more complete failure by far than the instance of the *Enterprise*. Some mystery appears to hang over the purposes of her voyage, and her ultimate destination; but it was reported that she was to sail again, in a day or two, for Batavia. We learn, from subsequent intelligence, that the *Falcon* had encountered severe weather on her voyage; and that six of her small crew had been washed overboard. A Calcutta paper of the 2d of May states, that she was put up to auction in that city, and bought in at 170,000 rupees.

At a bachelor's ball, which was given at Calcutta, Lord Amherst, in returning thanks for his health being drank, took occasion to allude to the severe comments passed on his public character in England, and spoke with exultation and gratitude of the marked support which he had received on this trying occasion from the public of Calcutta. From the repeated and general comments in the Indian papers on the hardship and injustice of Lord Amherst's recal, no doubt seems to be entertained by any one in that country of such recal having been actually made, though subsequently rescinded in consequence of the difficulty among the authorities at home in agreeing upon a successor.

Colonel Mac Donald, the Honourable Company's Envoy at the Court of Persia, landed at Bushire on the 12th of Aprillast. The *Mehmandar* had not arrived from Shiraz, and it was not expected that the embassy would proceed to its destination in less than a month.

By Madras intelligence of the 11th of April, we learn that Dr. Hyne, who was appointed by that Government to accompany the late Bishop on his tour, died at Tanjore, where he had been under the necessity of remaining on account of illness, on the very day following the melancholy death of the Bishop.

On Saturday, the 15th of May, a meeting was held in the Church at Bombay, for the purpose of considering the most appropriate mode of evincing their respect and esteem for the late Bishop of Calcutta. Mr. Elphinstone took the chair, and the resolutions were supported by the speeches of the principal individuals of the Society. The meeting was very fully attended, and the proceedings are recorded at great length; each speaker seemingly endeavouring to surpass the preceding one in the force and fulness of his eulogiums on the character and qualifications of the deceased prelate.

At the latter end of April a meeting of the clergy was held at the

Cathedral at Calcutta to consider of the arrangements to be adopted for enabling the Society of Calcutta to express their sentiments on the loss of their late highly esteemed bishop. And early in May, a general meeting of the Society at Calcutta took place, when the Chief Justice, Sir Charles Grey, was called to the chair. Several speeches were made by distinguished individuals, and a monument was voted to his memory, to be erected by a general subscription, and to be placed in the cathedral of that city. Earlier in the same month, a meeting was held at Madras for a similar purpose; at which the Governor, Sir Thomas Munro, presided; when a monument to be erected by public subscription was voted to his memory.

The weather in Bengal had been remarkable. Early in May, the hottest month perhaps in the whole year, there had been a storm of hail at Barrackpore; the stones were of an unusually large size, and many windows had been broken by their fall. The Native population were suffering greatly from sickness, which was attributed to two causes,—first, the unusual state of the weather; and secondly, the difficulty of procuring good water (the sole beverage both of Hindoos and Mohammedans) the river Hooghly, a branch of the Ganges which flows before Calcutta, being, from some cause not explained, extremely brackish; though its waters in general are sweet, and form the great source of supply to the whole city. The European soldiery were also suffering greatly in the fort; but the general health of the upper classes of English residents did not appear to be affected.

The Bombay Courier of June 10th contains long extracts from the Calcutta papers of May 18th and 20th, on the subject of the Indian press. We learn from these discussions that an order of the Court of Directors had recently arrived in Bengal, forbidding any servant of the East India Company, civil or military, from being connected with any newspaper or magazine, either as editor, or sole, or joint proprietor. This order is complained of as extremely harsh and unjust, because it goes to *lessen the value* of the property of those who had embarked their money in such concerns, and who by this order are compelled to make a sudden sale; which complaint comes with a bad grace from those who could see no harshness in an order which went to *the total destruction* of property so vested! Their notions of justice, which they incautiously disclose on the present occasion, are tainted by the same crooked selfishness as their respect for their honourable masters; against whom they meditate the grossest deception in the midst of professions of esteem: observing, that, although this new regulation *may* prevent the Company's servants from *editing* a newspaper, it *cannot* prevent their *contributing* to it, and thus effecting all the mischief which their connection with newspapers can possibly occasion.

We learn from the extract of a letter from Sultania in Persia,

dated July 28th, that, although Prince Menzikoff's mission seemed to hold out a prospect of the continuance of peace and amity between Russia and Persia, there is now every reason to expect the immediate commencement of hostilities. This change in the aspect of affairs is attributable, it is said, to the fickleness and weakness of Abbas Mirza, who has been wrought upon by injudicious persons, and persuaded that he would forfeit all claim to public respect, if he refused to succour the inhabitants of certain districts, who are professors of the Islam, from the tyranny of an infidel government. These districts, which have long been the cause of dissension between Persia and Russia, have now been for twelve years occupied by the latter power; and it is by no means probable, that a Government so grasping, so blindly resolved on extending its territory, will relinquish any portion of it, which it has once occupied, and has a chance of retaining. Abbas Mirza, failing in his endeavour to prevail on the Russians to evacuate the disputed place in an amicable manner, informed the *Chargé d'Affaires* of that nation, that he should forthwith proceed to the frontiers and expel them by force. Though the Persians may perpetrate considerable mischief by a sudden irruption into the Russian territories, their success must necessarily be of short duration. Russia has, at this moment, forty thousand regular troops in Georgia, under the command of General Yermoloff, Governor of the Province, who is considered the best officer in the Russian service; and her general resources are vastly greater than those of Persia. However, hostilities have actually commenced; a large Persian force has entered Russia, and begun the conflict. Undoubtedly, the severity of General Yermoloff's Government has been the cause of the discontent of the Mohammedan subjects of Russia, who are said to have suffered from her troops and officers the greatest indignities. "A speech," says the letter, "made by a Karabang officer, made great noise in the camp." He addressed the King thus—"Man, do you call yourself the King of the Mohammedans, and idly pass your time in the haram, when Mussulmans are daily abused by infidels! I was obliged to look on while five Russian soldiers violated my wife in Karabang.—I spit at your beard!"

A fire broke out at Bombay early in April, in that crowded part of the Native town immediately on the verge of the Esplanade, and in the line of the Mazagon road, and was not got entirely under until the next morning. We understand that nearly 200 houses, many of which were of considerable value, have been destroyed, and that the loss of property has been great, while upwards of a thousand people must have been reduced to the utmost distress.

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A letter from Calcutta, dated the 21st of April, has the following remarkable paragraphs:

"His Majesty's ship *Alligator* has arrived here with the first instalment of



treasure (being the fourth part of the sum agreed to be paid by the Burmese to the Indian Government as indemnification for the expenses of the late war,) and I hear that, on being assayed at the Mint, it has proved so inferior, that the real value is barely one half of the sum named in the treaty, and, if we may judge from the breathless haste with which nearly all the European troops have been withdrawn from the Burmese territory, I much doubt if the remaining portion of the stipulated sum will ever be realized from these wily and faithless barbarians.

"Sir Archibald Campbell will return in a few days from hence to Rangoon, with the intention of remaining there until the next instalment becomes due, when, should any delay take place in its payment, I understand he is to signify the intention of the Indian Government to retain Rangoon in addition to the other places which have been already ceded to us by the late treaty."

## CIVIL AND MILITARY INTELLIGENCE.

### CALCUTTA.

#### CIVIL APPOINTMENTS.

Mr. C. Tucker, Magistrate of Sylhet; Mr. H. Millet Judge of Zillah Burdwan; Mr. C. R. Cartwright, Second Assistant to Resident at Hyderabad

#### MILITARY PROMOTIONS.

Messrs. R. Cautley and G. Cautley admitted to Cav., and prom. to Cornet respectively; Mr. M. T. Colyear admitted to Artill., and prom. to 2d Lieut.; Mr. J. Hall admitted to Inf., and prom. to Ens.; Messrs. T. P. Wynne and F. H. Brett admitted to Estab. as Assist. Surgs.

#### FURLONGHS.

*To Europe.*—Lieut. Lovelace, H. M.'s 16th Lancers, for purpose of retiring on half-pay; Capt. Mann, 30th Foot, on private affairs; Lieut. Robinson, 4th Light Drag., for health; Capt. Cumingham, 13th Light Drag., on private affairs; Maj. Cash, Queen's Royals, for health; Lieut. Metge, 45th Foot, for health; Lieut. Coote, 54th Foot, for do.; Lieut. M. Hughes, 44th N. I., for do.; Brev. Capt. S. Walker, 7th N. I. for do.; Lieut. J. Burney, 13th N. I., for do.; and Assist.-Surg. G. Simms, for do.

*To Bombay.*—Assist.-Surg. G. M. Paterson, for six months, for health.

*To Isle of France.*—Lieut. F. C. Elwall, 49th N. I., for eight months, for health.

### MADRAS.

#### CIVIL APPOINTMENT.

Mr. Wm. Lavie, Register to Zillah Court at Combaconum.

#### MILITARY APPOINTMENTS.

Lieut. J. Bissett, 1st N. I., to be Surveyor 1st class, and Ens. R. S. M. Sprye, 9th N. I., Surveyor 2d class Quart.-Mast.-Gen.'s Department in Ava; Lieut. T. H. Zouch, 42d N. I., to act as Adj. to 2d Bat. Pioneers, in absence of Lieut. Richardson; Capt. W. T. Sneyd, 39th N. I., to act as Brig. Maj. to troops in Travancore, in absence of Capt. Cunningham; Capt. J. Malton, 44th N. I., to act as Brig. Maj. at Shoolapoor, in absence of Lieut. and Brev. Capt. Hutchinson; Lieut. J. Campbell, 41st N. I., to act as Assist. Adj. Gen. to Light Field Div. of Hyderabad Subsid. Force, in absence of Capt. Bradford; Lieut. J. Hill, 24th N. I., to be temporary Sub-Assist. Com. Gen.; Capt. G. Maxwell, 24 Europ. Regt., transferred to Invalid Estab.

#### PROMOTIONS.

42d N. I.—Sen. Capt. H. Ross to be Maj., Sen. Lieut. J. Thomas to be Capt., and Sen. Ens. H. Wakeman to be Lieut., v. Chauvel, ret.

#### FURLONGHS.

*To Europe.*—Lieut. T. S. Warner, 18th N. I., for health; Lieut. R. F. Marc-vitie, 49th N. I., for do.; Capt. W. Slade, 46th N. I., for do.; Surg. J. Jeffreys, for do.

*To Cape of Good Hope.*—Capt. A. Gordon, Eur. Regt., for health; Lieut. G. Hamond, 50th N. I., for do.

**BOMBAY.**

**CIVIL APPOINTMENTS.**

Hon. M. A. H. Harris, Register and Assist. to Criminal Judge of the Court of Adawlut in the Northern Concan.—Mr. W. Birdwood, Assist. Register to the Court of Adawlut of Broach; Mr. R. Anderson, Assist. Regist. to the Court of Adawlut of Kaira.—Mr. G. F. Hughes, 3d Magistrate of Police in charge of Mahim Division.—Mr. P. Bacon, Assist. Register to the Court of Adawlut of Surat.—Mr. Gregor Grant, acting First Register and Sen. Assist. Criminal Judge at Surat.—Major J. A. Hodgson, Revenue Survey. Gen. of India, v. Blacker, dec.; Capt. Jopp, of Engineer Corps, to be Dep. Survey. Gen., v. Lieut.-Col. Sutherland, proceeded to Europe; Capt. A. Grafton to succeed Capt. Jopp, in charge of Deccan survey.—Lieuts. G. & T. Candy, to assist Capt. Molesworth in compiling an English and Marhatta Dictionary.—Mr. J. Burnett, Assist. to Chief Sec. to Government.—Mr. F. Bouchier, Deputy Post-Master-General.

**MILITARY APPOINTMENTS.**

Lt.-Gen. Sir T. Bradford, is appointed Commander in Chief of the Hon. Company's Forces at Bombay; Lt.-Col. H. W. Scott, H. M. 6th Regt., to command the Bombay Division of the Army; Lt.-Col. Com. Hessnan, Artillery, to command Surat Division of Army; Lt.-Col. Kennedy, C. B. to return to command Baroda Subsid. force; Lt.-Col. J. A. Wilson, to command Madras Field Force; Lt.-Col. J. F. Dyson to com. troops in Cutch; Lt.-Col. T. H. Pierce, to command Artillery, with a seat at Military Board; Lt.-Col. Hardy, to act as Commissary of Stores; Capt. F. P. Lester, to be Sen. Dep. Commissary, v. Campbell, prom.; Capt. M. Law, confirmed as 2d Dep. Commissary; Lt.-Col. N. C. Maw, to com. in District of Candesh; Lt.-Col. D. Campbell, to command Brigade of Infantry at Naggermondhy; Lt.-Col. H. Rainey, Royal African Corps, to be Military Sec. to Commander-in-Chief.—Lieut. T. Donnelly, 1st Grenadier Regt. to com. Escort of Political Agent in Mahee Caunta; Lieut. E. Neville, 2d Grenadier Regt., to act as extra Assist. in Guzerat Revenue Survey Depart., in absence of Capt. Newport, (sick); Lt.-Col. H. Rainey, Royal Afr. Corps, to be Mil. Sec. and Aid-de-Camp to the Commander-in-Chief; Capt. T. P. Lester, to act as Commissary of Stores, till Lt.-Col. Hardy takes charge of that Dept.; Lt. and Adj. J. E. Parsons, 11th N. I., to act as Major of Brigade, until arrival of Lt. Crozier; Lt. J. Swanson, 19th N. I., to act as Major of Brigade until arrival of Capt. Newton; Capt. Law, to act as Sen. Dep. Commis. of Stores, during Capt. Lester's charge of Ordnance; Lieut. Stewart, to act as Assist. Surveyor of the Southern Concan; Lieut. Lang, 2d Extra Bat. to temp. charge of Public Buildings at Ahmednuggur; Capt. T. Gordon, 4th N. I., to be Aid-de-Camp to Maj.-Gen. S. Wilson; Lieut. J. Grant, of Artillery, to take charge of Quart.-Mast.-General's Office; Lieut. C. C. Rebeneck, 18th N. I., to be acting Assist. Paymaster of Surat Division; Lieut. J. M. Short, 14th N. I., to act as Major of Brigade at Sattarah; Sub-Conductors J. Hannah and R. Elliott, to be Conductors of Ordnance; Lieut. G. Yeadell, Artillery, to act as Hindoostance Interpreter to H. M. 4th Dragoons; Ens. J. Holland, 16th N. I., to act as Mahratta Interpreter to the Regt.; Lieut. R. Phillips, 2d Europ. Regt., to act as Interp. of Hindoostance and Mahratta; Lieut. C. J. Westley, 20th N. I., to act as Interp. in Hindoostance and Quarter-Master, in absence of Lieut. Candy; Lieut. A. Woodburn, 23d N. I., to charge of Executive Engineer Depart.; Lieut. R. H. Honner, to be Adjutant, v. Jameson, appointed Fort-Adjutant at Ahmednuggur; A. F. Wade, 18th N. I., to be Interp. in Hindoostance, and Quart.-Master to Extra Bat., v. Powell, dec.; Lieut. J. G. Thomson, 7th N. I., to be 2d Mahratta Interp.; Cadet H. L. Salmon and C. F. Harmer, to be Cornets of 2d Lt. Cav.; G. K. Erskine, Cornet of 1st Lt. Cav.; Cadets C. A. Hawkins, R. Hughes, C. H. Prother, G. H. Leariss, G. Fulljames, J. Harris, F. N. Vaillant, E. W. Cartwright, J. E. Frederick, and A. James, to be Ensigns.

**MARINE APPOINTMENT.**

Lieut. M. Houghton, to be Sec. to Marine Board, and act as Assistant to Superintendent of Marine and Marine Judge Advocate.

*Artillery*.—Lieut. [W. Morley, to be Capt. v. Auldjo, invalided. Cadet G. Hull, to be 2d Lieut.

*1st Bombay Europ. Regt.*—Lieut. R. J. Crozier to be Major of Brigade, v. Hughes, prom.

*4th N. I.*—Capt. S. Hughes to be Major, Lieut. C. Crawley to be Capt., and Ens. H. A. Laurence to be Lieut., in suc. to Gray, dec. Lieut. G. J. Jameson, to be Fort Adj. at Ahmednuggur, v. Crawley, prom.

*Present 5th N. I.*—Lieut. W. V. Hewett, to be Capt., and Ens. H. Wood to be Lieut., in suc. to Gibbon, prom.

*Present 6th N. I.*—Ensign R. Farquhar to be Lieut., v. Farrell, prom. Lieut. J. R. Wodhouse to be Capt., v. Mathews, dec.

*Late 9th N. I.*—Lieut. C. J. F. Pottinger, to be Lieut., v. J. Worthy, prom.

*Present 10th N. I.*—Ens. W. S. Adams to be Lieut., v. Pauget, prom.

*12th N. I.*—Capt. J. W. Graham to be Major, Lieut. A. T. Reid to be Capt., and Ens. G. Fisher to be Lieut., in suc. to Meall, prom.

*Present 13th N. I.*—Lieut. G. W. Blachley to be Capt., and Ens. G. Constable to be Lieut., in suc. to Clark, dec. Lieut. H. G. Roberts to be Capt., and Ens. T. Dickson to be Lieut. in suc. to Stamper, prom. Lieut. A. W. Pringle to be Capt., v. Pottinger, prom. Lieut. E. W. Kennett to be Capt., and Ens. G. Tollemache to be Lieut., in suc. to Howe, prom.

*Present 16th N. I.*—Lieut. G. F. Penley to be Capt., v. Snodgrass prom.

*23d N. I.*—Lieut. (Brev.-Capt.) J. Rankin to be Capt., and Ens. M. Giberne to be Lieut. in suc. to Agilbo, dec. Ens. G. S. Brown to be Lieut., v. Whittaker, dec. Sen. Major W. Meall to be Lieut.-Col., v. Midford, dec.

Lieut. J. L. Mathews (dec.) to be Capt. on the new estab. Ens. T. D. Fallon to be Lieut., v. Thompson, dec. Cornet W. Trevelyan to be Lieut., v. Torcin, dec.

#### REMOVALS AND POSTINGS.

Capt. A. A. Auldjo, of 2d Bat. Artil., to Invalid Estab.

From the 5th to the 6th N. I. Capts. J. W. Aitchison, Mackeever, and Mathews (dec.); Lieuts. Farrel, Woodhouse, Fawcett, Levery, Macan, Parry, Maunselle, and Carstairs.

From the 6th to the 5th N. I. Capts. Adams and G. B. Aitchison; Lieuts. Hewitt, Keys, Spencer, Carthew, Smea, Justice, Bayley.

From the present 9th to the 10th N. I. Lieuts. R. T. Lancaster and G. B. Worton; Ens. W. S. Adams, E. Marsh, and G. Wilson.

From the present 10th to the 9th N. I. Lieuts. J. Beck and R. J. Littlewood; Ens. J. Hay (dec.), D. J. Powell (dec.), and J. B. Bellasis.

From the present 13th to the 14th N. I. Lieuts. W. H. Waterfield, G. P. Le Messurier, D. L. Victor, A. Troward, T. R. Wynter, C. S. Stuart, R. Hutt, A. R. Wilson, J. S. F. Rebenack, and D. W. Scobie; Ens. F. B. Tucker, J. Burrows, and R. Shortreed.

From the present 14th to 13th N. I. Lieuts. R. L. Home (dec.), G. W. Blackley, H. G. Roberts, A. W. Pringle, E. W. Kennett, S. C. Spencer, G. W. Oakes, J. O. Short, and A. Bradford; Ens. H. Forbes, C. W. Wenn, G. Constable, and T. Dickson.

From the present 16th to 15th N. I. Capts. F. M. Tredell, H. C. Holland, S. Tredell, and J. B. Goodiff.

From the present 17th to 18th N. I. Lieuts. J. H. H. M. Luyken, B. Kingston, A. F. Bartlet, F. H. Billamore, A. F. Johnson, T. Probyn, H. Macan, T. B. Forster, W. Campbell, and C. J. F. Pottinger; Ens. D. Davidson and W. D. Cruikshank.

From the present 18th to 17th N. I.—Lieuts. C. F. Pelly, E. E. M. Wilmoughby, H. M. Corsellis, C. C. Rebenack, J. S. Johnson, H. James, A. F. D. Fraser, R. H. H. Fawcett, (dismissed), and H. W. Pickford; Ens. R. Webb, G. G. Malet, (tr. to cav.), and G. Johnson.

Capt. Falconer, Sub. Assist. Commiss. Gen. of the Presidency, and Lieut. Payne, Acting Sub. Assist. at Surat, allowed to exchange; G. S. Brown, 15th N. I., and J. Cheshyre, 16th N. I., allowed to exchange.

ADJUSTMENT OF RANK.

Late 3d. Reg. N. I. Capt. J. W. Aitchison, and Lieut. W. Maxwell (dec.) in suc. to Towsey; Capt. H. Adams, v. Pierce, prom.; Capt. P. Mackeever, v. Fearon, prom.; Capt. G. B. Aitchison, to take rank on the New Establishment; Lieut. C. D. Prescott, v. Paterson, dec.; Lieut. H. Hart, v. Conyngnam, dec.; Lieut. H. M. Duncan, v. Maxwell, dec.; Lieut. T. Ridout, v. Mackeever, prom.—Late 5th N. I. Lieut. C. B. Morton, v. Dawney, dec.—Present 5th N. I. Lieut. E. Brett, v. R. S. Gibson.—Present 6th N. I. Capt. F. F. Farrell, v. Challon, dec.; Lieut. J. B. M. Gillandans, v. Woodhouse, prom.—Late 8th N. I. Lieut. B. Crespin, v. Anthony, invalided; Lieut. J. Mitchell, v. J. S. Tredell, prom.; Capt. F. M. Tredell, v. Collis, dec.; Lieut. C. Hunter, v. Tredell, prom.; Capt. H. C. Holland, to take rank on New Establishment.—Late 9th N. I. Lieut. J. Harvey, (dec.) v. J. Addison, invalided; Lieut. A. F. D. Frazer, v. T. D. Hughes, dec.; Lieut. T. B. Forster, v. G. Sangster, dec.; Lieut. R. H. H. Fawcett, (dismissed) v. J. T. Ellis, prom.; Lieut. W. Campbell, v. T. B. Kinsey, dec.; Lieut. H. W. Pickford, v. J. Harvey, dec.—Present 13th N. I. Lieut. H. Forbes, v. Burrows, dec.; Capt. L. R. Howe, (dec.) and Lieut. C. W. Wenn, in suc. to Harvey, dec.—Present 14th N. I.—Capt. W. H. Waterfield, and Lieut. N. B. Tucker, in suc. to Dunlop, dec.—Present 16th N. I. Lieut. C. A. Stewart, v. Penley, prom.

FURLONGHS.

Lt. O. A. Woodhouse, 3d Lt. Cav. to, Europe for health; Lt.-Col. Hodgson, Artill., to Europe; Lieut. T. R. Gordon, 11th N. I. to sea for health; Lieut. W. A. Crawford, 1st Lt. Cav., to Calcutta, on private affairs. Maj.-Gen. Sir L. Smith, K. G. commanding the Poonah division, is permitted to visit Bombay on ditto.

MEDICAL APPOINTMENTS.

Assist.-Surg. J. Bryden, M. D., to be Surg. of Golundauze Batt.; Assist.-Surg. L. M. Lennan, to be Gen. Hosp. Storekeeper, v. Brydon, prom.; Messrs. A. Gibson, J. Doig, J. Don, M. D., J. A. Lawrence, J. Goss, J. Crawford, J. S. Cameron, R. F. Riddell, and J. Cunningham, to be Assist.-Surgeons; Mr. J. Wright, and Mr. S. Kelly, Assistants Apoth. and Steward, and Mr. R. Foulerton, admitted on Med. Estab.

General Orders of the 11th March prohibit natives, not belonging to the army, from appearing in military garb.

General Orders of the 28th of March have been issued for raising a battalion of Golundauze, to be embodied at the head-quarters of the artillery, with the necessary arrangements and appointments. Sen. Lieut.-Col. R. Wish to be Lieut.-Col. Commandant on the augmentation.

By a regulation of the 13th of April, 1000 rupees are allowed to masters of free-trading vessels for the passage of any dismissed officer.

KING'S FORCES IN INDIA.

(From the London Gazettes.)

4th Light Dragoons.—Cornet R. Gumbleton, to be Lieut. by purch., v. Agnew; Edward Ellis, Gent., to be Cornet by purch., v. Upton, Cornet C. Villiers, to be Lieut. by purch., v. Parby, prom.

13th.—T. J. Parker, Gent., to be Cornet by purch., v. Brown, prom.; Cornet T. Benson to be Lieut. by purch., v. Maitland; Lieut. and Quart.-Mast. R. Taggart, from the 53d Foot, to be Quart.-Mast., v. Minchin, who exchanges.

16th.—Cornet E. B. Bere to be Lieut. by purch., v. Collins.  
1st Regiment Foot.—H. A. Kerr, Gent., to be Ens. by purch., v. Ford, prom.

2d.—W. Cockell, from the 14th Foot, to be Capt. by purch., v. Mitchell, prom.; Capt. W. Hunt to be Maj. by purch., v. Cash, prom.; Lieut. J. L. King, to be Capt. by purch., v. Hunt; Ens. N. J. Westley to be Lieut by purch., v. King, prom.

3d.—Capt. W. T. R. Smith, from the 12th Foot, to be Capt., v. Patton, who exchanges.

6th.—Lieut. C. Martin to be Capt. by purch., v. Eden; Ens. J. Crofton to be Lieut. by purch., v. Martin; Walter Johnson, Gent., to be Ens. by purch., v. Crofton; Capt. Osborne Barwell, from half-pay, to be Capt., v. Rogers, prom.

11th.—Ensign H. O'Neill to be Lieut. by purch., v. England.

13th.—Ens. W. Chambré, to be Lieut. by purch., v. Wingfield; W. Rawlins, Gent., to be Ens. by purch., v. Chambers.

14th.—Gen. Thomas Lord Lynedoch, G. C. B. from 58th Foot, to be Col., v. Gen. Sir H. Calvert, dec.

16th.—Ens. J. Lane, from half-pay Royal Vet. Batt., to be Ens.; v. Croker, prom. in the 91st Foot.

18th.—Brev. Lieut.-Col. W. Riddall, from 99th Foot, to be Maj., v. Goorequer, prom.

31st.—R. Norman, Gent., to be Ens. by purch., v. Wetenhall, prom.

33d.—Lieut. W. Payne, from 75th Foot, to be Lieut., v. Elliot, prom.

35th.—Capt. C. Grant, from half-pay 6th West-India Reg. to be Capt., v. Blackett, whose appointment has not taken place.

40th.—Lieut. J. B. Oliver, from half-pay, to be Lieut., v. R. Olpherts, who exchanges, receiving the difference.

41st.—Capt. J. F. May, from 19th Foot, to be Capt., v. J. Corfield, who retires on half-pay 2d Ceylon Reg.

44th.—G. G. B. Lowther, Gent., to be Ens. by purch., v. Dallway, prom.

45th.—Ens. F. Pigott, to be Lieut. by purch., v. Trevelgar, prom.; W. Elliot, Gent., to be Ens. by purch., v. Pigott.

46th.—Capt. M. Willock, from the Vet. Com. in Newfoundland, to be Capt., v. Chalmers, whose appointment has not taken place.

48th.—Lieut. Robert Hughes, from half-pay 30th Foot, to be Lieut., v. King, who exchanges.

49th.—Lieut. C. M. Burrows, from Royal African Col. Corps, to be Lieut., v. Eastwood, dec.; Capt. W. H. Ball, from half-pay, to be Capt., v. Dunne, prom.

54th.—Lieut. J. Clarke to be Capt. by purch., v. Amund, prom.; date Aug. 26.

59th.—Ens. G. N. Harwood to be Lieut. by purch., v. Arnold, who retires, date Aug. 29. Clarence Hare, gent., to be Ens. by purch., v. Harwood; date Aug. 21.

69th.—Capt. C. Lowrie to be Major by purch., v. Leslie, prom.; date Aug. 29. Lieut. J. T. Evans from 60th Foot, to be Lieut., v. C. L. Dixon, who retires on half-pay, rec. diff.; date Sept. 7.

89th.—Lieut.-Col. J. M'Caskill, from 86th foot, to be Lieut.-Col., v. Mallet, who exch.; date Aug. 31. W. Glover, gent, to be Ens. by purch., v. Gordon, prom.; date Sept. 20. Lieut. J. Grover, from half-pay 12th Foot, to be Lieut., v. Molony, who exch.; date Sept. 14.

93d.—Lieut. J. Burgh to be Capt. by purch., v. R. Connop, prom. Ens. J. R. Johnson to be Lieut. by purch., v. Burgh. J. Neilson, gent. to be Ens. by purch., v. Johnston; each dated Sept. 19.

97th.—Capt. J. G. M. Moseley, from half-pay, to be Capt. v. J. P. Maher, who exch.; date Aug. 10. Capt. A. H. Pattison to be Major, by purch., v. Wodehouse, prom.; date Sept. 19.

97th.—Capt. J. B. Berkeley, from half-pay to be Capt., v. Mosely, whose appointment has not taken place; date Sept. 7. Capt. J. Twigg, from half pay, to be Capt., v. Pattison; date Sept. 19.

*Ceylon Regt.*—Lieut. T. L. Fenwick, from Quar.-Mast., to be Lieut., repaying diff. to half-pay fund; date Aug. 10. Serj.-Maj. J. Black, from 1st Foot, to be Quar.-Mast., v. Fenwick; date Aug. 10.

*Allowed to dispose of their half-pay.*—Lieut. J. Goodwin, 59th Foot; Capt. J. M'Crohan, 3d Foot; Lieut. Napper, 54th Foot (all Aug. 15).

His Majesty's 6th regiment embarked from Bombay for Cutch, the most healthy part of India, except, perhaps, Poonah, going away 400 strong; and, after six months only, returned with the loss of 123 men, without receiving a shot, or being exposed to any of the hardships of a campaign.

## MARRIAGES AND DEATHS IN EUROPE.

*Marriages.*—Aug. 3.—W. A. Campbell, Esq., of Upper Berkeley Street, Portman Square, to Mrs. Nugent, widow of the late Capt. G. Nugent, of the Hon. E. I. Company's service.—8. At Old Aberdeen, A. Thompson, Esq., manager of the Aberdeen Sea Insurance Company, to Bridget, eldest daughter of John Anderson, Esq., late of Calcutta.—22. At Longnor Chapel, in Shropshire, Lieut.-Col. W. Hull, 1st or Grenadier Bombay N. I., to Mildred, daughter of the Venerable Archdeacon Corbett, of Longnor Hall, county of Salop.—24. At Lee, Kent, Mr. R. M. Robson, of the Hon. E. I. Company's service, to Eliza Ann, eldest daughter of Mr. S. F. Letton, of Greenwich.—Sept. 20. At Ewell, Mr. J. Waghorn, of the India House, to Miss Slee, of Neuville, in Normandy.—21. At St. Mary above Church, Septimus Chippendall, Esq., of the Madras Medical Establishment, to Charlotte Mary Dundos, eldest daughter of Jas. Ralph, Esq., of David Street, Portman Square.—Late, at Tottenham, Robert Miles, Esq., of the Hon. E. I. Company's Naval service, to Jane, youngest daughter of E. B. Corney, Esq., of Old Broad Street.—At Cheltenham, Lieut.-Col. Nixon, of the Hon. E. I. Company's service, to Elizabeth, second daughter of the late Mr. Andrews, of Sandford, Oxfordshire.—At St. Saviour's, Southwark, William Lemon Dunlap, Esq., Surgeon Hon. E. I. Company's Military service, Bengal, to Mary Ann Milligan, eldest daughter of George Gwilt, Esq., of Southwark.—At Painswick, Robert Lowe, Esq., late of the Hon. E. I. Company's service, to Charlotte Attwell Lake, daughter of W. C. Lake, Esq., of Castle Godwyn, Gloucestershire.

*Deaths.*—June 29.—At Amsterdam, the lady of J. D. Heyning, Esq., formerly of Chinsurah.—July 27. At Dight House, near Worcester, in his 65th year, Major-Gen. Simons, of the Hon. E. I. Company's service, on the Madras establishment.—Aug. 11. At Ayr, Lieut.-Col. R. Cameron, late of the Hon. E. I. Company's service.—Late, at the Palace, Lichfield, aged 76, Sir Charles Oakley, Bart., formerly Governor of Madras.

## DEATH AT BOMBAY.

On the morning of April 8, in the 60th year of his age, Hormarjee Bomanjee, after an illness of above six weeks, which he bore with great resignation. Engaged through life in extensive mercantile speculations to various parts of the world, and for upwards of thirty years intimately associated in trade with Messrs. Forbes and Co., he has been long known wherever the commerce of Bombay has extended, as the most eminent native merchant of this place. With a dignified deportment and commanding figure, his manners were gentlemanly and prepossessing, and the impression which his external appearance made was well supported by a sound and quick judgment, and a mind stored with a great variety of information. His correct knowledge of the laws, institutions, and interests of the various classes of Natives, who appealed to him on all occasions likely to excite his enlarged and philanthropic mind to action, secured a willing assent to his decisions, and his zeal and ability to guide and support every plan that could contribute to the advantage and happiness of his fellow-subjects, gave unanimity and effect to their measures. As a husband, and a father, he was most kind and indulgent, and his more remote and dependent relations will feel severely the loss in him of their principal support. His death is deeply deplored by his surviving family, consisting of a widow, three sons, and two daughters; and his memory will be long respected by a numerous circle of friends, both in India and Europe, particularly by those so long intimately connected with him in business, who placed the greatest confidence in his judgment and integrity, and always held his character in the highest esteem. He was the youngest and last surviving brother of the late venerable builder, Jamssetjee Bomanjee, and of the celebrated merchant, Pestonjee Bomanjee, and head of the Wadia family;—a family which, through the talents and enterprize of these its distinguished members, has contributed largely to the importance and prosperity of this settlement. He is succeeded in his station as head of the family, and of the Parsee Punchaut, by his nephew, Nowrojee Jamssetjee, the present respectable head builder in the naval yard.—*Bombay Courier.*

## SHIPPING INTELLIGENCE.

## ARRIVALS FROM EASTERN PORTS.

Date. 1826.	Port of Arrival.	Ship's Name.	Commander.	Place of Depart.	Date.
Aug. 29	Off Rye ..	Cath. Aldrina	Boagle ..	Cape ..	June 10
Aug. 29	Off Dover ..	Patience ..	Kind ..	Mauritius	April 15
Sept. 2	Off I. of Wight	George Horne	Hippens ..	Bengal ..	Feb. 26
Sept. 4	Off Falmouth	Resolution ..	Parker ..	Mauritius	May 14
Sept. 4	Channel ..	Columbia ..	Brown ..	Cape ..	June 11
Sept. 5	At Cowes ..	Ann and Hope	Esdale ..	China ..	April 24
Sept. 6	Off Portsmo.	Medway ..	Wight ..	N.S. Wales	March
Sept. 8	Dowes ..	Leander ..	Richmond..	Mauritius	April 7
Sept. 9	Off Dover ..	Wm. Parker	Brown ..	Singapore	Mar. 14
Sept. 11	Off Portsmo.	Resource ..	Tomlin ..	Bengal ..	Mar. 26
Sept. 18	Off Penzance	Broxbornebury	Tewson ..	China ..	Apr. 11
Sept. 22	At Plymouth	New Times ..	Clark ..	Cape ..	July 10
Sept. 23	Off Kinsale	Fortune ..	Gilkison ..	Bombay	June 4
Sept. 26	Off Portsmo.	Lady East ..	Talbert ..	Bombay	April 9
Sept. 26	Cowes ..	Restitution ..	Hammond..	Sumatra	

## ARRIVALS IN EASTERN PORTS.

Date. 1826.	Port of Arrival.	Ship's Name.	Commander.	Port of Depart
March 2	Bengal ..	Carnarvon ..	Penburthy ..	London
March 4	Bengal ..	Eliza ..	Dixon ..	London
March 6	Bengal ..	Lady Nugent	Coppin ..	London
March 7	Bengal ..	Clyde ..	Munro ..	London
March 8	Bengal ..	Reliance ..	Maitland ..	Lon. & Mauritius
March 9	Bengal ..	Columbus ..	Brown ..	London
Mar. 11	Bengal ..	Joseph ..	Christopherson	London
Mar. 17	Bengal ..	Catherine ..	Macintosh ..	London
Mar. 20	Bengal ..	Confiance ..	Cardoza ..	China & Penang
Mar. 20	Bengal ..	Norfolk ..	Greig ..	Bombay
Mar. 23	Bengal ..	George ..	Clark ..	London
Mar. 24	Bengal ..	Falcon (Steam P.)	Moore ..	London
	Ceylon ..	Pyramus ..	Brodie ..	London
Mar. 30	Singapore ..	Scorpion ..	Rixon ..	London
April 5	Bengal ..	Kath. F. Forbes	Chapman ..	New S. Wales
April 12	Bombay ..	Grecian ..	Steel ..	Liverpool
April 12	Bombay ..	Promise ..	Gibbs ..	London
May 5	Bengal ..	Berwickshire	Shepherd ..	London
May 5	Bengal ..	Thames ..	Haviseide ..	London
May 6	Bombay ..	Exmouth ..	Owen ..	London
May 7	Mauritius ..	Sherburne ..	White ..	Madras
May 25	Cape ..	John Barry	Roach ..	London
May 25	Cape ..	Juliana ..	Innes ..	London
May 26	Cape ..	New Times ..	Clark ..	London
May 29	Cape ..	Barbara ..	Collicott ..	London
May 31	Cape ..	Olive Branch ..	Anderson ..	London
June	St. Helena ..	William Parker..	Brown ..	Singapore
June 7	Cape ..	Earl of Egremont	Johnson ..	London
June 20	St. Helena ..	Asia ..	Steed ..	Bengal
June 26	St. Helena ..	Catherine ..	Brockill ..	Cape
July 4	St. Helena ..	Orient ..	White ..	China
Aug. 9	Madeira ..	Lady Hora ..	Fayer ..	London

## DEPARTURES FROM EUROPE.

Date. 1826.	Port of Depart.	Ship's Name.	Commander.	Destination.
Sept. 1	Liverpool ..	Gypsey ..	Quirk ..	Bombay
Sept. 9	Portsmouth	Mary Ann ..	O'Brien ..	Bengal
Sept. 11	Deal ..	Cumberland	Cairns ..	New South Wales
Sept. 14	Deal ..	Louach ..	Driscoll ..	Bombay
Sept. 14	Portsmouth	Coldstream ..	Stephens ..	Madras and Bengal
Sept. 14	Deal ..	Cumbrian ..	Blyth ..	Madras and Bengal
Sept. 19	Deal ..	Sarah ..	Tucker ..	Bombay
Sept. 19	Newcastle ..	Jessie ..	Boag ..	Bengal
Sept. 21	Portsmouth	Africa ..	Skelton ..	Bengal
Sept. 5	Liverpool ..	Isabella ..	Leeds ..	China
Sept. 22	Liverpool ..	Robert Quayle	Roper ..	Mauritius

## GENERAL LIST OF PASSENGERS.

## PASSENGERS HOMEWARDS.

By the *Resource*, from Calcutta:—Mr. James Walters; Mr. William Bruton; Mrs. Bruton:—Col. Brooks, from St. Helena; Mrs. Brooks, do.; Lieut Woodhouse, do.; Mrs. Boorman and son, do.

By the *Southwark*, from the Mauritius:—Major Barrington, H. M. 56th Regt.; Capt. Palmer, do.; Lieut. Gray, do.; Capt. Ford, H. M. Artillery; Lieut. Caldwell, H. M. 90th Regt.; Dr. Cameron, R. N.; Mr. C. Moore; — Horne.

By the *George Horne*, from Bengal:—Lieut. J. G. Sharpe, Bengal N. I.; Lieut. John Mac Vittie, do. do.; Lieut. Toulinson, R. N.; Mr. and Mrs. Collier and two children.

By the *Lady East*, from Bombay:—Col. Hodson and family; Lieut. Cockrane, H. M. 4th Dragoons; Mrs. Ford; Miss Hopewood; Mrs. Malcolm; Mr. C. W. Watkins, Bombay Estab.; Dr. Fullerton; Mrs. Smith; Mr. Hugh Cockrane; Mr. R. Eden, Madras, C. S.; Mr. A. Wilson; Mrs. Newman; Master Barton; Mrs. Lavré; Capt. A. Gibbons; Ensigns Dumaesque, and Smart; Mr. and Mrs. Wilson; Miss Macintosh; Mrs. Gibbons; Miss Gibbons; Miss Malcolm; Miss Smith; Miss Young.

By the *Brazbornbury*, from China:—Capt. Pillan, from St. Helena; Rev. Richard Boyes, do.; Mr. and Mrs. Whiteford, from China.

By the *Ellen*, from St. Helena:—Mr. A. Beale; Capt. T. W. Leech; Mr. L. Fearon.

## PASSENGERS OUTWARDS.

By the *Carnbrae Castle*, for Bengal:—Col. Brown and servant; Col. Wood; Col. Dickson; Capt. and Mrs. Hawkins; Capt. Cole; Capt. Tarbutt; Messrs. Greaves, Boatson, Prendergast, Scott, Morris, Batten, Bailey, Lees, Grames, Fagan, Lomer, and Masters.

By the *Britannia*, for Cape, Mauritius, and Bombay:—Two Misses Bourchier; Mrs. Colebrooke; Miss Hicks; Dr. and Mrs. Rutledge; Messrs. Ravenscroft; Lieut. Campbell, N. I.; Dr. Rooke, Assist. Surg.; Messrs. Turner, Clarke, Lacy, Major, and Halpin, cadets; Mr. Webb, Bombay Marine.

By the *Mary Ann*, for Bengal:—Mr. Fussell, and Mr. Shaw, cadets.

By the *Fort William*, for Bengal:—Detachments belonging to H. M.'s 11th Lt. Drag. and 16th Lancers; also to H. M.'s 14th, 31st, 38th, 44th, 47th, 50th, and 87th regiments of foot, (in all 13 officers, 313 rank and file, 35 women, and 27 children).

By the *Victory*, for Bengal:—Mrs. Stirling; Mrs. Robertson; Miss Fraser; Col. Arnold; Col. MacGregor; Capt. Stirling; Capt. Elliot; Messrs. Boswell, Brooke, De L'Etang, Whiteford, McConal, Barlow, Ogilvy, Halket, Sturt, Bird, Hare, and Read; five native servants.

*Oriental Herald*, Vol. 11.



## BIRTHS, MARRIAGES, AND DEATHS, IN INDIA,

SELECTED FROM THE LATEST INDIAN PAPERS.

### *From the Calcutta Papers.*

*Births.*—Feb. 2. At Bellary, the lady of Lieut.-Col. Oliver, commanding 11th regt. N. I., of a son.—12. At Lohoooghaut, in Almora, the lady of Dr. J. Johnstone, of a son.—16. At Nussurabad, the lady of Capt. G. R. Pemberton, A. D. C. to Brig. Gen. Knox, of a son; at Bakergunge, Mrs. M. D. Silva, of a son.—21. At Meerut, the lady of H. G. Christian, of the Civil Service, of a daughter.—21. At Pertabgush, the lady of Lieut. and Adj. Windfield, of a son.—23. At Dacca, the lady of Lieut. J. M. Farnworth, of the 44th regt. B. N. Inf., of a still-born child.—25. At Chandernagore, Mrs. C. Fydd, of a daughter; at Lucknow, the lady of Lieut. Adj. J. Buller, of a daughter.—Mar. 2. At Calcutta, Mrs. J. Mackintosh, of a son; the lady of Capt. R. W. Smith, 6th regt. B. Cav., of a daughter.—4. The lady of T. B. Swinhoe, Esq., of a daughter.—5. At Ballygunge, Mrs. J. Gordon, of a son.—5. At Chinsurah, the lady of Maj. T. G. Alder, of a daughter.—7. At Shalimah, the lady of Lieut. W. R. Fitzgerald, of the Bengal Engineers, of a son.—7. At Meerut, the lady of Maj. T. D. Stewart, 10th regt. Light Cav., of a son.—8. At Calcutta, the lady of B. Taylor, Esq., of a daughter.—9. The lady of Lt.-Col. Nott, of the 20th regt. N. I., of a daughter; at Soojerpore Factory, Kishnagur, the lady of J. M. De Vermue, Esq. of a daughter.—13. At the residence of her mother, Chinsurah, Mrs. G. Stone, of a son and heir.—15. At Baitool, the lady of Capt. G. Hicks, 8th N. I., of her fifth son.—16. At Chowringhee, the lady of Lt.-Col. Cunliffe, Commis. Gen., of a son.—17. At Barrackpore, the lady of Lieut. F. G. Manning, Interpreter and Quarter-Master, 16th N. I., of a son.—17. At Coolbariah, near Plassey, the lady of Mr. J. H. Savi, of a son.—19. At Calcutta, Mrs. W. D. M. Sinnes, of a son.—23. Mrs. James Jacobs, of a daughter.—24. Mrs. Gomes, the wife of Mr. P. Gomes, of the Gen. Depart., of a daughter.—26. Mrs. W. Sturmer, of a daughter.—29. Mrs. Jas. Paschall, of a daughter.—30. The wife of Mr. L. A. D'Cruz, of a daughter.—April 2. Mrs. Fielder, of a son.—3. At Futtoghur, the lady of the late Capt. H. E. Pitman, of H. M.'s 59th regt., of a son.—4. At Calcutta, Mrs. W. Warden, of a daughter.—7. At New Bowwongolah, the wife of S. Cole, Esq., of a daughter.—11. At Chowringhee, Mrs. J. Fitzpatrick, of a son.—12. At Calcutta, Mrs. C. Christians, of a son.—19. Mrs. Swan, wife of the Rev. T. Swan, of Serampore, of a son.

*Marriages.*—Feb. 24. Mr. R. Dundon, of the marine estab., to Miss Julia Oxenham, of Barnstaple, Devonshire.—28. E. Ridge, Esq., of Hettinpoore, planter, to Catherine, daughter of the late Capt. J. Ridge, of the Bengal estab.—Mar. 1. J. A. Hessing, Esq., to Jane, second daughter of Edw. Brightman, Esq.; S. J. Hutchins, Esq., indigo planter, to Miss Jane Wilcox.—2. At Barrackpore, Lieut. C. G. Macan, adjutant to the 16th regt. N. I., to Harriett Augusta, third daughter of H. Williams, Esq.; at Keitha, Capt. Geo. Burges, of the 5th Lt. Cav., to Maria, daughter of Brig. Gen. Richards, commanding in Bundelcund.—4. At Calcutta, Mr. A. Abraham, to Anne, eldest daughter of P. A. Charter, Esq.; Mr. Wate Byrn to Miss Janet Rymer; Lieut. E. B. Squire, of the Hon. Comp. Bombay Marine, to Eliza Anne, eldest daughter of Capt. W. Bruce, of the same service.—9. Mr. J. Duham, jun., to Miss A. L. Mackay.—16. At Berhampoor, Robt. Morrell, Esq., to Miss Eliza Mary Stacey.—20. At Futtoghur, Mr. Anthony D'Mello, of Bombay, to Miss Sophia Hill.—21. At Ishera, Rowland Graham, Esq., to Adria, eldest daughter of the late J. R. Snow, Esq., of Hatton House, Surrey; at Calcutta, Mr. S. P. Brunson, to Lucy, eldest daughter of the late Felix Carey, Esq., and grand-daughter of the Rev. William Carey, D. D.—28. Lieut. Joseph Ferris, of the 24th N. I., to Miss Georgina Matilda Blanchard; Mr. John Gray, to Mrs. Maria Fonseca.—29. At Chittagong, Lieut. S. Stapleton, 52d N. I., to Miss B. Kingston, fifth daughter of J. Kingston, Esq., of Cork.—April 4. At Calcutta, Mr. R. Perkins, dancing and music-master, to Miss Sophia Cannon.—8. Mr. Thomas Brown, to Matilda, the youngest daughter of the late Capt. J.

Meller.—11. John Webster, Esq., to Miss Elizabeth Cockburn.—13. Bathurst Mather, Esq., R. N., to Miss C. E. Holland.—17. At Dum Dum, Mr. George Head, assist.-riding-master, to Elizabeth, eldest daughter of Mr. Joseph White, late hospital steward; at Karigunge, Valentine Gardner, Esq., to Miss Alida Scott, second daughter of Capt. Geo. Scott, late Brigade-Maj. in the service of Dowlut Rao Scindiah.—21. At Calcutta, Mr. Thos. E. Mullins, to Caroline, second daughter of Mr. Thos. Sheppard, of the Hon. Company's Bengal Marine Estab.—May 1. At Patna, W. H. Lloyd, to Fanny, only surviving daughter of the late Col. R. Willoughby.—12. At Calcutta, Maj. Geo. Fraser, of his Highness the Rajah of Nagpore's service, to Miss M. Brietzke, daughter of the late Geo. Brietzke, Esq.

*Deaths.*—Jan. 27. Of the wounds he received at Bhurtpoor, in his 20th year, Lieut. Candy, youngest son of the late Mr. Candy of East Knoyle, Wilts.—Feb. 22. At Dum Dum, Louisa Isabella, the inf. dau. of Dr. B. Macleod; 23. The infant daughter of W. Colhoun Stirling, Sup.-Surg., centre division.—24. Mr. J. D. Allan, late acting 2d officer of H. C.'s ship *Ernaad*, aged 31; 27. Miss J. E. Maclean.—March 1. Lieut.-Col. V. Blacker, C. B. Surv.-Gen. of India; 9. On board the ship *Hibernia*, in the river, Capt. C. S. Hopkins of H. M.'s Royal Regt., returning from Rangoon.—12. Alex. Fraser, Esq.—15. At Entally, Calcutta, Mr. Jas. Morley.—19. Mrs. J. Martin, the wife of Mr. J. Martin, jeweller.—22. Mr. Charles Kenney of the H. C. Marine.—23. Mr. E. Collins of the H. C. Marine; 25. Mrs. M. A. Sealy, wife of Mr. C. P. Sealy; 29. Sophia, the lady of J. Elliott, Esq., Post-Master at New Anchorage.—April 2. In child-bed, Mrs. Wm. D'Monte Smaes; Mrs. M. J. Mansfield; 15. Mr. A. Cockey; Mr. G. S. Macarty, aged 18; 21. Eleanor, fourth daughter of Mr. F. Rebello, of the Sea Custom-house; 30. At Fort William, Lieut. E. M. Frome, H. M. 17th regt.—May 1. Capt. W. Webster, H. M., 67th regt.; At Entally, F. S. George Farquharson, Esq. youngest son of the late — Farquharson, Esq. of the Bengal Civil Service; 5. Lieut. Joseph Hassall, H. M. 67th regt.; 7. Capt R. Mutton, H. M. 67th regt.

*From the Madras Papers.*

*Births.*—Feb. 23. At Belgaum, the lady of Capt. Parke, of the Artil. of a son.—March 11. At St. Thomas's Mount, the wife of Mr. Quart.-Mast. J. Jackson, of the 1st H. Brigade Artil., of a daughter.—April 3. At New Town, Cuddalon, lady of Capt. Arthur Watkins, 7th regt. L. C., of a son; 13. At Bellary, the lady of Capt. B. McMaster, Brig.-Maj. ceded Districts, of a daughter; at Cannanore, the lady of Capt. Pickering, 50th regt. N. I., of a son; at Madras, the lady of the late H. M. Elliot, Esq. of a son.—May 8. At Quilor, the lady of Capt. W. P. Cunningham, Maj. of Brigade, of a son.

*Marriages.*—March 1. At Quilor, Mr. G. Harvey Ashton, Assist.-Missionary, to Miss Margaret Murray.—27. At Black Town, Mr. William Martin, sculptor and architect, to Miss Eliza Dart.—April 5. Mr. Walter Beck, to Margaret, daughter of Mr. Dep.-Commissary Atkinson, of Madras.—13. Capt. R. J. Highmoor, 5th regt. L. C., to Harriet, third daughter of Herbert Compton, Esq. Advocate-General.—15. At Masulipatam, Mr. H. W. Branson, to Miss W. P. Flood.—19. At Madras, Lieut. and Adj. G. Nott, of the 19th regt. N. I., to Jane, daughter of — Sheppard, Esq. and niece of Maj. Downes.—May 10. At Masulipatam, Lieut. J. Kerr, 2nd Mad. Europ. Regt., to Miss Alexander.

*Deaths.*—March 1. At Cuddalore, Catherine, wife of Montague Dundas Cockburn, Esq. Civil Service.—21. At Black Town, Mrs. P. E. Hunter, relict of the late Capt. T. H. Hunter, of the Country Service.—April 10. At Madras, Mrs. Buttery, wife of Mr. Conductor Buttery.—23. At Kilpaulk, Mary, the lady of Henry De Vienne, Esq.—May 3. At Cannanore, Lieut. Alex. Read of H. M.'s 16th regt.

*From the Bombay Papers.*

*Births.*—April 2. Mrs. Horne, of a son; the lady of T. Barnard, Esq., of the Civil Service, of a daughter.—8. the wife of Mr. Spencer, of the Sec.'s Office, of a daughter.—12. The lady of Lieut.-Col. Shuldham, Quart.-Mast.-Gen., of a son.—17. The lady of Lieut.-Col. Pierce, of a son.—24. Mrs. King, wife of Mr. Mathias King, of the Mint Depart., of a daughter.—29. The lady

of Capt. C. B. James, Mil. Paymaster at the Presidency, of a son.—81. The lady of the Chief Justice of Bombay, of a daughter.

*Marriages.*—Mar. 29. Lieut. W. Powell, Madras Estab., Assist.-Com.-Gen., to Fanny, only daughter of Maj.-Gen. Hewitt, C. B., commanding the ceded Districts; Mr. W. M'Vicars, to Miss Jane Georgiana Gore.—Apr. 18. Capt. W. Webster, of the ship *Francis Warden*, to Mrs. Faith Cameron.—26. At Kalra, W. Birdwood, Esq., Civil Service, to Julia Christian, eldest daughter of Maj. Brown, H. M.'s 4th Light Drags., and neice to J. C. Curwen, Esq., M. P. for Cumberland.

*Deaths.*—Mar. 12. At New Town, Mr. P. Deceles; 17. Of cholera, Lieut. J. J. Robinson, Assist. to the Superintendent of Marine, and Secretary to the Mar. Board.—May 15. M. Conductor T. Westford, of the Ordnance Department.—23. Mrs. M. S. Pereira, widow of the late Joseph F. Pereira, Esq.—26. At Colabah, T. Hopkins, Esq., aged 35, one of the Solicitors of the Supreme Court.—28. At the Presidency, Lieut.-Col. G. Midford, 3d N. I.

*Supplementary, including Out-stations.*

*Births.*—Dec. 28, 1825. At Delhi, the lady of Lieut. and Quart.-Mast. Griffin, 24th N. I., of a daughter.—Feb. 3. At Chittagong, the Lady of Brigade-Maj. White, of a son.—8. At Surat, the lady of T. Salmon, Esq., of a son.—11. the lady of the Rev. W. Fyvie, of a son.—19. At Mozufferpore, the lady of T. J. Dashwood, Esq., Civil Service, of a son and heir; at Ellichpore, the lady of Lieut. A. Adam, 44th N. I., of a daughter.—20. The lady of W. Atkinson, Esq., of a daughter.—21. At Kamptee, near Nagpore, the lady of Capt. J. R. Ardagh, Dep.-Judge-Adv.-Gen., of a son.—23. Mrs. Colhoun Stirling, of a daughter.—24. At Trichinopoly, the wife of Mr. D. Isaac, Med. Store Dep., of a daughter.—Mar. 4. At Agra, the lady of Capt. Napier Campbell, Bengal Horse Artill., of a son.—7. At St. Thomé, the lady of Maj. M. J. Harris, of a daughter.—10. At Benares, the lady of Lieut.-Col. Short, of a daughter.—11. At Penang, the lady of Capt. Edw. Lake, Town Major, of a son.—20. In camp, near Laulpett, the wife of Serjeant-Major Aitkens, 2d Batt.-Pioneers, of a daughter.—21. At Bangalore, the lady of Capt. S. J. Hodgson, Brigade Major in Mysore, of a son; at Nagpore, the wife of Mr. Conductor G. Thomer, of a son.—At Gwalior, the lady of Capt. Josiah Stuart, Madras Service, of a daughter; in camp, Baroda, the lady of Capt. C. Waddington, Executive Engineer, of a son; at Secunderabad, the lady of Lieutenant and Adjutant Pinson, of the 46th regt. Native Infantry, of a daughter.—April 1. At Royapooran, the wife of Mr. H. Macaulay, of a daughter.—3. At Muttra, the lady of Dr. Geo. Paxton, 41th regt. N. I., of a son.—14. At Mysore, Mrs. E. Hayes, of a son; Mrs. A. Fauval, of a son; Mrs. G. Ogilvie of a daughter.—10. At Poonah, the lady of G. J. Griffith Esq., of a daughter.—17. At Vepery, the wife of Rev. L. P. Hanbroe, Missionary, of a son.—18. At Barrackpore, the lady of Capt. Stuart Corbett, 40th regt. N. I., of a son; At Ahmednuggur, the lady of J. Dunlop Esq., of a daughter.—19. At Surat, the lady of John Vibart Esq., of H. C. C. Service, of a daughter.—26. At Colabah, the lady of the Rev. Joseph Laurie, of a son; At Girgaum the lady of W. P. Ranney Esq., of a daughter.

*Marriages.*—Jan. 26. At Ceylon, Mr. W. H. Barrens, to Miss Juliana de Veiser.—Feb. 1. Robt. Russell, Esq., Assist. Staff Surgeon, to Miss Sarah Gray, daughter of the late Capt. Gray; At Pondicherry, B. F. Scipian, Esq., to Miss Adelaide de Cheimont; 16. At Meerut, Lieut. W. Benson, 4th L.C., to Amelia Ann, youngest daughter of the late W. A. Wallace, Esq., of Belfast, Ireland; 27. At Trichinopoly, Lieut. D. Archer, 20th regt. N. I., to Miss Harriet Chartres.—March 1. At Trichinopoly, Lieut. C. Evans, fort adjutant, to Maria, only daughter of the late Major William Jones, 26th Madras N. I.

*Deaths.*—Jan. 2. In Camp at Patnago, Capt. John Hill, of H. M. 47th Regt.—Feb. 2. At the Citadel of Bhurtpore, of wounds received at the assault of that Fortress on the 8th Jan., Lieut. M. C. Pitman of H. M. 59th Regt.; 16. At Allahabad, John Edward, third son of Capt. Parbly, agent for gunpowder, aged about four years, from that dreadful disease hydrophobia; 17. At Pernaamboor, Catherine, the wife of Mr. James Summers.—20. At Bait-

mungulum, aged 62, George Baillie, Esq., First Mem. of the Madras Medical Board.—25. On the Arracan Coast, Capt. E. C. Sneyd, Beng. Cav. Deputy Assist. Commis.-Gen.—27. At Allahabad, Mrs. C. Kerrod, wife of Mr. Kerrod, Allahabad.—March 4. At Kedgerree, Capt. E. T. Hemer, late Commander of the Hon. Company's transport ship, *Lady Macnaghten*.—9. At Mangalore, suddenly, Mr. Vincente M. Rollim.—At Bhooj, the Rev. Tho. Lavie, Chaplain to the subsidized troops in Cutch.—10. At Rangoon, Lieut. H. Gray, H. M. royal regt.—12. At Trichinopoly, Mr. A. Fletcher, Conductor of Ordnance.—14. At Cutch, Mandavie, W. W. Morton, Esq., Assist.-Surgeon of the 2nd B. European Regt.—At Pursoovankum, Mr. W. Fiott Gepp, Clerk in the Government Bank.—20. At Dooly Dhapoor, (near Nassick), of cholera, the Reverend Gordon Hall, American Missionary of Bombay.—20. At Chinsurah, Mr. Bennet Alder, of the Hon. Company's Service.—22. At Chinsurah, John Brewer, Esq. of Derby; at Bangalore, Susanna, the wife of Mr. H. A. Uthoff, Conductor of the Ordnance Department.—25. At Nussocorabad, Josiah Ridges, Esq., Superintending Surgeon.—27. In camp, near Deesa, of dysentery, Ensign E. George, 8th Native Infantry.—29. At Sealdah, Mr. S. Huet, formerly of Sempore Factory, and latterly an Assistant in the Office of the Persian Secretary to Government.—31. At Futtighur, Mr. W. Hyde, of the Invalid Pension Estab.—April 4. At Tanjore, in the 34th year of his age, G. Hyne, Esq. Assistant-Surgeon, and Assistant-Assay Master. Mr. G. Hyne accompanied the late Bishop Heber on his tour of visitation as far as Tanjore, where having been taken dangerously ill, he breathed his last the very day after the death of that much-lamented Prelate.—8. At Poona, Ens. J. Skelton, 14th N. I. Assistant in the Deccan Survey Department.—At Jaffna, G. Burleigh, Esq. Surveyor of the Second Ceylon Regiment; 9. At Colombo, Lieut. R. F. Fellows, half-pay H. M.'s late 4th Ceylon regt.—10. Of the cholera morbus, Mr. Alex. White, late Surveyor and Draftsman, at Sattara.—11. At Mhow, Eleanor, wife of Lieut. C. Lucas, of the 1st Troop H. Brigade of Artill.—13. At Mangalore, on his passage to England, Capt. Robt. Gibbings, Assist.-Quart.-Mast.-Gen., at Jaulnah.—Of cholera, at Ahmedabad, Maj. Chas. Gray, commanding the 4th N. I. He was the last survivor of the little gallant band of the 2d N. I., whose services and sufferings in the campaigns of Arabia are so well known. This lamented event was occasioned by his anxious exertions in behalf of the numerous victims from his own regt., to that merciless scourge, cholera.—15. In camp, Dapoolce, Lieut. D. J. Powell, 10th N. I., and Quart.-Mast. and Interp. to the 1st Extra Bat.—19. At Aurangabad, Capt. H. L. Barnett, 1st Assist. to the Resident at Hyderabad.—23. At Bushire, Capt. Geo. Herne commanding the H. C. C. Benares.—26. At Baroda, of cholera, Lieut.-Col. Wilson, commanding Baroda Subsidiary Force.—27. At Bhau-gulpore, Lieut.-Col. Ball, Superintendent of Invalid Thannus at that place.—29. At Mahbleswur, Lieut. E. Burgess, Adj. of the 24th N. I.—May 2. At Arrakan, Capt. Toulinson, 61st R. N. I.; 3. At Moonghyr, H. Oakeley, Esq. of the Civil Service; 5. At Surat, of Cholera, David Ormond, Esq. Assist. on the Bombay Establishment; At Asseerghur, Lieut. J. G. Thompson, of the 7th regt. Bombay N. I.; 6. At Poona, Capt. Wm. Fleetwood, Superintendent of the Rocket Establishment of the Bombay Presidency; At Camp Jaulna, Lieut. H. Bennett, 40th Madras N. I.; 7. At Bassador, Lieut. F. W. Powell, of the H. C. Cruizer, Benares; 17. At Belgaum, Mr. John Benoist, Medical Apprentice, attached to the 1st Bombay European Regiment; 20. At Ahmedabad, of spasmodic cholera, Ensign H. S. Bourchier, 4th N. I.; 30. At Poona, of spasmodic cholera, Lieut. Col. Robert Mackintosh, commanding the Horse Brigade Artillery, aged 41.—Lately. At Talak, on board the hospital ship *Leisch*, C. E. Reinagle, 4th regt., second son of E. Reinagle, Esq., R. A.

At Sea, on board the ship *Elphinstone*, after his embarkation at Madras for Colombo, General Hewett.—Dec. 16. On her passage to England, the lady of T. Barlow Esq., of Calcutta.—Feb. 11. On board the *Bussorah Merchant*, Charles Stuart, the infant son of F. B. Smith, Esq.—March 21. On his passage to Rangoon, Lieut. Sweedland, of H. M. 67th regt.—26. On board the Hon. Comp. ship *Edinburgh*, off Madagascar, Capt. Luke Roddam Hume, of the 14th regt. Bombay N. I., youngest son of the Rev. Robert Hume.

**LORD AMHERST'S APPEAL TO THE PUBLIC OF INDIA, ON  
THE SUBJECT OF HIS RECAL.**

**THE** following letter and its enclosure reached us by the latest ship from Bengal, and we record them both in this place, reserving our comments for the ensuing Number.

**LETTER.**

"The inclosed document is of so interesting a nature, that it will probably reach you through different channels. *Three* reasons are assigned for the removal of Lord Amherst, when three hundred and thirty-three might have been given; but indeed all possible reasons are comprehended in one word, **NULLITY**. It is needless to point out how this Reply confirms the propriety of the judgment which, as Lord Amherst says, has been "precipitately," but, as others think, *tardily* adopted. Every month that his administration was protracted, heaped additional coals of fire on his own head; and especially on the heads of those who appointed him. The news of his recal has, of course, spread the most lively satisfaction through all ranks of people. There is not a tongue, European or Native, which does not applaud the deed, save and except only Mr. Charles Trower and Dr. Robert Tytler." It is amusing to hear Lord Amherst cry *peccati* with respect to his treatment of the Press. Smarting under the stings of the 'Oriental Herald,' he now thinks that, if the Press were free, part of its strength might be wielded in his favour; but in the powerless state in which he has chosen to keep it during the last two years and a half, he finds, in his utmost need, that it is incapable of yielding the smallest assistance or consolation! Now, he sees this; he ought to have seen it before he accepted the office of Governor-General.

"I hope you have seen Sir David Ochterlony's posthumous Memorial. Every thing relating to Bhutpoor is most illustrative of the character of Lord Amherst. It is well known to be one of the strongest and most commodious fortresses in Upper India. It is the only good fort on the right bank of the Jumna. "It was therefore worth *crores* of rupees to us for the defence of that line, which we may have one day to dispute with the Russians. Yet Lord Amherst has ordered its works to be blown up and destroyed! This pearl is trampled under the hoofs of a swinish Government."

**ENCLOSURE.**

*Letter from the Honourable Capt. Amherst, to Charles Trower, Esq., of  
the Bengal Civil Service.*

"Public rumour will have probably conveyed, ere this reaches you, the account of the Governor-General's recal. As he wishes it, as well as the grounds which have induced the authorities at home to adopt this measure, to be made as public as possible, that all may have an opportunity of judging of its justice, I send you the particulars of this case.

"The first complaint is, the delay which occurred in sending home the Report of the Court of Inquiry on the causes which led to the mutiny at Barrackpoor; the 2d is, that the evils disclosed before that Court, were not immediately redressed; and the 3d, that the Government omitted to comment on the Report when forwarding it home.

"The answer to the 1st is, that the Report was so voluminous, that much time necessarily elapsed before it could be perused by the members of Government, attending at the same time to the routine of their official duties. The late Mr. Adam, was also, at that time, shortly expected in Calcutta, and the Governor General was anxious, naturally, to obtain the opinion of so experienced a man upon such an important question. The answer to the 2d is, that if the Court had delayed their precipitate judgment about a fortnight, they would have found, that not only all evils were redressed, but that additional pay and comforts were granted to the Troops in Arracan. To the 3d complaint, it is answered, that all comment was omitted, because none was required; the case being as clear as possible, and requiring no extraordinary intellect to determine who were to blame and who not. It was omitted out of delicacy to Sir E. Paget, who, as a member of the Government, must have passed censure on himself and on those immediately responsible to him."

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NOVEMBER 1826.



# THE ORIENTAL HERALD.

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No. 35.—NOVEMBER 1826.—VOL. 11.

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## CONDITION OF THE PEOPLE, AND STATE OF SOCIETY IN INDIA.

IT seems now to be decided beyond all controversy, that the policy which has been hitherto pursued with regard to our Indian possessions, has completely failed in rendering the connection advantageous to England; and although some doubt may be still entertained as to the influence it has had on the prosperity of India, yet strong reasons may be adduced for supposing that in its practical operation it has proved the source of great and general misery to all ranks of the people. If it be admitted that such consequences could not either naturally or necessarily have resulted from the mere possession of one of the richest countries of the world, it must follow that they have been entailed on us by our own neglect, mismanagement, or impolicy.

One principal cause of the errors that have been committed has been the general prevalence of an impression that the established maxims of political science were not applicable in their full acceptation to the peculiar modification of human nature exhibited in Hindoostan; and on the other, from vain and fruitless attempts to accommodate particular principles of action to a state of mankind, which has been the gradual result of causes and events of the most opposite tendency.

The chief defect in all these measures has been a partial attention to some of the circumstances by which society has been moulded into its present form, to the exclusion of others that have had at least an equal influence on its destiny. The various contradictory views, too, which have been entertained by different individuals who have devoted their attention to particular objects of inquiry, and the natural propensity to reconcile every thing to one favourite theory, have contributed in no small degree to involve the subject in obscurity. Those who have contrasted the present condition of India, with the accounts of its former wealth and magni-



ficence, have been apt to attribute a great deal too much to the more proximate causes, and carrying back their imagination to periods of remote antiquity, to ascribe to them a degree of refinement and civilization which in all probability never was realised. Those again who consider only the extraordinary resources of the country, and the many advantages with which it is blessed, represent the unnatural institutions of the Hindoos as opposing an obstacle which has limited, and which must for ever limit, their progress as long as the institutions continue to exist.

The fact appears to be, that many circumstances have combined their influence to place society in India in its present condition, and till some juster estimate shall be formed of the share which is attributable to each of these, and of the nature and amount of the effect which they have produced in common, it is in vain to expect that any steady direction can be given to the economy of Indian politics.

There can be little hesitation in assigning a great portion of the peculiarities in the state of mankind in India to the operation of the principles upon which the original Hindoo Society was formed. From the religious character of its constitution, and the singular art with which it was contrived, many of the principles still continue to produce their full effect on the inhabitants, at the distance of eight hundred years from the time that their empire was overthrown: and as they contribute more than any other cause to give the distinguishing features to the condition of the people, they must enter largely into every estimate that may be formed respecting the future hopes of the country.

It is equally clear that the Musulman conquest has produced very striking effects on the state of mankind. It shattered the system of Hindoo greatness; it destroyed the connection between its institutions and the executive authority; it introduced a large proportion of individuals into the population, differing in religion and in character, to whom it transferred the supreme power, and an absolute control over the distribution of property; and it gave rise to many new motives of conduct in society.

To this has succeeded another conquest, which has in a great measure destroyed the operation of the principles derived from the Mohanmedan supremacy, and which has exhibited the singular spectacle of an attempt to secure, for an immense people, the various objects of the social union, by means of a government conducted by foreigners, and where the different measures which are adopted can only be accommodated to the inhabitants by a speculative estimate of their situation.

To one or other of these three causes—1st, the remaining institutions of the ancient Hindoo constitution of society—2d, the Musulman conquest and government—and lastly, the establishment of the English power—may be attributed whatever is remarkable in the state of India.

The simplest arrangement which occurs for the consideration of the subjects belonging to the first division of this inquiry, is that suggested by the order of *time*—both because it affords a better opportunity than any other of assigning to each of the causes enumerated its specific share in the general result—and because their mutual relation to each other will be better seen by following the natural progress of events.

From the want of any authentic historical documents in the literature of the Hindoos, and the little information possessed by ancient writers who flourished in Greece and Italy, concerning this extraordinary people, every thing connected with them, previous to the Mohammedan conquest, would be involved in the greatest uncertainty, if the permanent nature of some of their own institutions had not preserved to the present day sufficient testimony of what the condition of mankind must have been when society was wholly influenced by such principles; and as the chief object at present is the application of any conclusions which may be suggested, to practical inferences, the influence of such parts of the system as are now wholly obliterated are of little consequence, except in as far as they might throw light on the general spirit and tendency of Hindooism.

Independent of those institutions by which the different objects of the social union were accomplished, and which form now a very uncertain subject of inquiry, there were particular principles which appear to have been introduced into the system, partly with a view to give it solidity, partly also, perhaps, in consequence of some speculative opinions that seem to have been formed with regard to society, of the origin of which notice will be taken in another place; these principles have continued their operation undisturbed, and have produced a very curious modification of mankind throughout all ranks of the Hindoo population.

These may be all referred either to the doctrine of castes, the limitations prescribed to the wants of the people, or to the means by which the dominion of this arbitrary system has been established over the human mind.

In the fabulous origin assigned to the institution of castes there are only four different tribes specified, among whom the various offices of society were distributed generally.\* To the *Brahmin*

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\* See the paper on the 'Enumeration of Indian Classes' by Mr. Colebrooke, published in the fifth volume of the 'Asiatic Researches,' from which the following extract from the *Jatimata* is transcribed: "In the first creation by Brahma, *Brahmanas* proceeded with the Veda from the mouth of Brahma; from his arms *Cshastriyas* sprung; so from his thighs *Vaisyas*; from his foot *Sudras* were produced; all with their females.

"The Lord of the creation viewing them, said, 'What shall be your occupation?' They replied, 'We are not our own masters, oh God! command us what to undertake.' Viewing and comparing their labours, he made the first

was allotted a superiority in dignity over the others, and the cultivation of the divine sciences; to the *Cshastriya*, the care of the public security and welfare; to the *Vaisya*, the pursuits of commerce, of husbandry, and of a pastoral life; and to the *Sudra*, the different menial occupations. By various intermarriages among these, thirty-six mixed tribes have been formed, to whom different duties have been apportioned; and by the further subdivision of each of these, the variety of distinctions comprehended under the word *caste* has been rendered almost infinite. Indeed, it embraces in reality, in the acceptance of the great bulk of the people, whatever distinctions of pursuit have arisen, which have furnished employment to a number of individuals sufficient to be included under a separate name.

If this arrangement of mankind had been absolutely rigid and incapable of any latitude in practice, among a people of habits so simple as those of the Hindoos, the slightest fluctuation in the demand for any description of labour would necessarily have produced all the consequences of a famine on those who were devoted to that particular branch of industry. In consequence of this, it has been found necessary to modify, in some measure, the restrictions within which the avocations of the several classes are confined: a Brahmin who may find himself unable to procure a livelihood by exercising the functions more particularly assigned to his caste, may follow the professions allotted to the *Cshastriya*; and if these should fail him also, he may avail himself of any of the pursuits of a *Vaisya*; avoiding, if he engages in commerce, to traffic in certain commodities. In general, all the avocations of the inferior classes in which there can be the least temptation to engage, are open, in case of necessity, to the members of the castes which happen to be superior to them in the scale; no such indulgence, however, is allowed in the opposite direction, with the exception of a permission in favour of the *Sudra* to exercise the duties of a trader or a husbandman.\*

Although this indulgence may be of some use in affording relief to the indigent members of the higher classes, it is of very little service to the lower orders: the imperfection of their tools,

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tribe superior over the rest, as the first had great inclination for the divine sciences, (*Brahma Veda*), therefore he was *Bramana*; the protection from ill (*Cshate*) was *Cshastriya*; him whose profession (*Vesa*) consists in commerce, which promotes success in war, for the protection of himself and of mankind; and in husbanding, and attendance on cattle, called *Vaisya*; the other should voluntarily serve the three tribes, and therefore became a *Sudra*; he should humble himself at their feet."

\* "A *Sudra* should serve twice-born men, but if he cannot thus subsist, he may become a trader."—'Digest,' p. 15, vol. i. "A man of the fourth class, not finding employment by waiting on the twice-born, while his wife and son are tormented by hunger, may subsist by handicraft."—'Institutes of Menu,' translated by Sir William Jones, p. 30, l.

and the peculiar manner in which they acquire a knowledge of their trades, renders them much more dependent for the success of their work on their dexterity, than on any assistance which they derive from their instruments, and consequently incapacitates them, in a great measure, from following any other avocation than that to which they have been bred, unless it be in some of those lower departments of labour where nothing is required but bodily exertion. From the superior facility which a man finds in bringing up his sons in his own pursuit, all the different departments of industry are hereditary in particular families. If an individual should be unable to educate his children to his own profession, they must devote themselves to some description of industry which requires no instruction, with very little chance of ever returning to their former situation. The influence of this and similar circumstances has produced an effect on the better orders also; and many individuals of the highest classes are to be found now exercising every reputable calling. "Hence it appears," to use the words of Mr. Colebrooke, "that almost every occupation, though regularly it be the profession of a particular class, is open to most other classes; and that the limitations, far from being rigorous, do in fact regard only one peculiar profession, that of the Brahmin, which consists in teaching the Veda, and officiating at religious ceremonies."

This general latitude, however, in the law on the subject, appears only to have been intended as a relief to individuals in distress, for a maintenance; and by no means to convey an authority to the people to select at will their own avocation.\* Nor is it, in point of fact, ever employed to support such a practice. In the general ignorance which prevails among the people with regard to the doctrines of their faith, and the vague notions which are entertained concerning it, the great ambition of every man is to follow religiously the footsteps in which his fathers before him have trod; and they never quit the track but with the utmost reluctance.

So far, therefore, from forming any exception to the exclusive principle of caste, this provision of the law on the subject is only to be considered as destined to render the restrictions practicable, and as fixing the new pursuit to which the individual is to be devoted, when it becomes indispensably necessary for him to quit the profession which it was more particularly his duty to pursue. It gives no additional freedom to genius; it affords no facility to a mutual interchange of knowledge; nor does it open up any wider fields to the active faculties of mankind.

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\* The assuming the duties of another class, *without necessity*, is even prohibited on pain of losing caste. "His own office, though defectively performed, is preferable to that of another, though performed completely; for he who, without necessity, lives by the acts of another class, immediately forfeits his own."—*Digest of Hindoo Law*, vol. i. p. 15.—*Sir William Jones's Translation of the Institutes of Menu*.

It would be tedious to follow out all the means by which the institution of castes has interfered with the different principles of human conduct. By devoting all the varieties of mental endowment indiscriminately to some particular avocation, it has carried to the utmost extent the unequal distribution of advantages which even in the most perfect forms of society doom so large a proportion of talent to oblivion. By confining the objects of competition and the numbers of candidates within the narrow limits of some particular caste, it has enfeebled every kind of exertion, and by graduating the population by a scale of dignity altogether unconnected with any of those claims to superiority which mankind are naturally disposed to acknowledge, from the advantage which they experience from them, it has greatly diminished the inducements to the pursuit of the most valuable and beneficent acquisitions.

Although these circumstances may be considered as limiting materially some of the most important principles of improvement, and have no doubt greatly contributed to prevent the progress of mankind, it is sufficient to mention them without further inquiry into the exact share to which they are entitled in producing the peculiarities exhibited by the Hindoo state of society.

The effects more immediately arising from the influence of caste seem to result chiefly from the exclusive devotion of each individual to some particular avocation; the impossibility of an interchange of knowledge, or the acquisition of general principles; and the want of any common objects of pursuit.

Whenever the limitation of caste was imposed on the people, it was necessary that the different pursuits should be distributed among them according to the general and permanent wants which existed at that time in society; otherwise, those who followed the more precarious descriptions of labour would have been constantly subject to the greatest distress, from any occasional failure in the demand. Every man, consequently, exercises in his own person all the departments of industry connected with his trade, even to the making of his own tools. From the manner, too, in which instruction is communicated in every description of attainment, the people are completely limited to their own avocations, and reduced as nearly as possible to the condition of a machine for the accomplishment of some particular object, by the exclusive exercise which is afforded to certain functions of the mind and of the body. The son follows his father to the workshop almost as soon as he can walk, and acquires a knowledge of his profession; not from any general principles of instruction, which might excite his curiosity, or enlarge his views, or delight him when he felt their practical utility, but by a painful and laborious imitation of each separate operation which his father performs. From this description of education they never obtain any knowledge of those more extended relations among bodies, on a familiarity with which, invention in the arts in a great measure

depends ; while at the same time they acquire an extraordinary command over the minute connections among the objects on which their own experience is exercised. Long habit has rendered them so completely acquainted with every difficulty they have to surmount, that all their efforts appear to be made perfectly spontaneously, and to cost them no more reflection than those unconscious acts of volition by which the motions of the body are directed.\*

All their little contrivances to facilitate their labours are merely such simple devices as the difficulties which they were intended to obviate would naturally suggest ; and every defect is supplied by the dexterity of the workman himself ; this very imperfection in their contrivances is unfavourable to further improvement, when combined with an early habit of using them, by rendering the individual much more dependent for the success of his labour on the *knack* with which he can employ his tools, than on any assistance which he derives from the instruments themselves ; a *knack* which it is impossible to transfer to more perfect inventions, or to any better method of workmanship.

Even in those engaged in the other descriptions of pursuit, from the exclusive devotion to one particular object, and the manner in which instruction is conveyed, habit has produced a kind of facility in performing mental operations, so analogous to his manual dexterity and tact, that the moment any attempt is made to suggest an improvement to a Hindoo, which puts him in the least out of his own way, it never fails to render him perfectly helpless. Their whole lives are thus consumed without a single effort of which they are conscious ; the early part, in the insensible acquisition of these sleights ; and all the rest in a mere mechanical application of them.

But, in as far as the subdivision of labour affects the skill of the individual in his own particular business, the limitation of cases has carried some of the advantages derived from that principle to the utmost extent of which they are susceptible ; and to this may be attributed the early excellence in manufacture which the inhabitants of India acquired over every other people of the world.

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\* Although throughout the whole country there is nothing to be found which indicates the smallest application of ingenuity in combining the mechanical powers, so as to multiply the efforts of animal strength, yet it is astonishing to witness the intuitive facility with which the different operative mechanics avail themselves of every object in their neighbourhood to assist their labours. The people of this description generally hold their work with their feet : an object that it seems at first sight perfectly impossible to secure, presents no difficulty to them ; the moment it is given to them they turn it perhaps into the only position in which it could possibly be held, or rest it against some inequality in the floor ; or avail themselves of some accidental circumstance, which to any other person than themselves would never have appeared of the slightest use on such an occasion.

By giving a specific direction to the exertions of every member of society, however limited his attainments might be, they were rendered exceedingly perfect of their kind; and that delicacy of touch was preserved in those engaged in the production of the finer descriptions of fabric, which, in the absence of machinery, is essentially necessary to their perfection. By rendering the different pursuits hereditary, the experience and acquisitions of one age become in a great measure useful to the succeeding generation; and the progress of improvement was extended beyond the life of the individual. Such is the effect of early imitation and instruction, that a Hindoo workman never fails to communicate all the skill he may possess, unimpaired, to his son, as soon as he is of an age to follow his calling.

Whatever degree of perfection could be produced in any of the objects of industry which they were led to cultivate, by skill, or experience, or the utmost dexterity which the bodily organs can acquire, was fully accomplished by the Hindoos; and in some particular arts they have attained a degree of excellence which no effort of European ingenuity has yet been able to rival. These, however, are merely the arts which minister to the wants experienced by every member of society as soon as it emerges from a state of barbarism. In all those attainments which increase operative power, or extend the dominion of mankind over the other parts of creation, they exhibit a rude simplicity little superior to savages.

With regard to those primary wants which are common to every individual, some arrangement will naturally take place to supply themselves, even in the earliest periods of improvement; and by the efforts to which they give birth, a desire is excited to multiply the power of performance, to supply more perfectly the wants from which the several avocations arose, to aid and increase the power of man, and to better the condition of existence.

Between these two descriptions of pursuit the institution of castes has precisely drawn the distinction. It is easy to set apart each person in the community to minister immediately to some of the necessary wants of life; and, by such an arrangement, each separate individual may, no doubt, attain an uncommon perfection in a few particular qualities. But before society can produce men gifted, in any eminent degree, with the full powers of their nature, or enjoy the advantages of a vigorous and capacious intellect among its members, a regular interchange of knowledge must have ensued, and a classification of it according to general principles. After a certain degree of skill has been acquired, and an acquaintance with the little mechanical devices by which it is facilitated, a limited subdivision of labour can do no more. A new class of people become necessary; men who, leaving the humble and beaten foot-path of their predecessors, venture to think and to act for themselves, and, striking out new and wider roads, avail themselves of

an acquaintance with every subordinate description of attainment or of dexterity, to direct their united efforts to these great purposes, which to the solitary member of a caste would never occur.

This, however, can never take place till the knowledge which has been acquired by the several classes, from their experience in their particular avocations, has been condensed into general principles. The member of a caste can never avail himself of such a facility; if he would become acquainted with the attainments of some other class than his own, he must obtain the knowledge in the same way in which it is acquired by the members of that class themselves; and, before he can experience the wish, the time when he is susceptible of such instruction is past and gone; he has already become an animal almost of a separate nature and different qualities, and is called upon to exert for his support his own peculiar powers.

It is this general description of knowledge which renders mankind great, intelligent, and powerful beings, which has led them to make the most important advances in civilization. By acquiring a knowledge of the general principles by which the different arts are directed, men, who never handled a tool, become theoretically acquainted with every different pursuit, and can form a just estimate of what each can perform. It is this which enables the mechanician and the engineer to combine in his view the profoundest conclusions to which science has led, with the operative skill of the artisan and the labourer; and it is no less an acquaintance with those general principles, which have regulated the world in the progress of improvement, which enables the philosopher and the statesman to shed light on the mysterious relations of human affairs, and to give to the efforts of their species the direction most conducive to their happiness and prosperity.\*

An ignorance of the general principles on which the more important relations between events are dependent seems characteristic of a particular state of society, and to mark where it exists, that mankind have not yet passed the period where their endeavours are solely directed to satisfy their wants by perfecting their own natural powers of performance. In such a situation people are naturally led to look for details which they may execute singly, rather than to classify and combine the objects of their knowledge, and hence the remarkable perfection which has been observed in the imitative powers of rude nations, and their equally striking want of invention. It is at this stage of their progress that the institu-

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\* The power which some savages possess of tracing their enemies, by foot-marks imperceptible to others, seems to originate in the same endeavour to perfect certain powers, and by an habit of attention to minute circumstances which escape the *observation* of an unpractised eye.



tion of castes has arrested the Hindoo, and has perpetuated the same state of ignorance.

But although they possess this peculiarity in common with savage tribes, it is impossible to deny them a degree of civilization far superior to any other condition of mankind in which the same distinction has existed; the very circumstance of caste enables them to carry their different objects of industry to a pitch of excellence which was quite unattainable by the inhabitants of other countries, till the improvement of mechanical skill and physical science produced engines capable of working on a greater scale than the bodily organs, and with a nicety hardly inferior to them. In many branches of knowledge which soften the asperities of our nature and humanize the mind, they had also made a progress which still attracts our wonder, and which, in brighter periods of their history, was the object of imitation to the sages of ancient Greece.

But in whatever might have tended to increase their physical force, or to render them powerful and vigorous as a political association, they were remarkably deficient. Their ignorance of machinery limited their efforts to such objects as their own strength could manage, and to the number of them which the hands could direct. This contributed greatly to prevent the extension of the principle of the division of labour which they had established in society to the different pursuits of industry. To take an example of the obligation which this principle owes in practice to the power of machinery, from the instance which has been so successfully quoted to illustrate its productive power: let us suppose the pin manufacturer deprived of all his machinery, and left to carry on his operations by the unassisted use of the subdivision of labour, and mere manual tools; one man would have to make a single head at a time; another man would have to fasten it on; a third would have to file the pin to a point, and a fourth would have the troublesome office of burnishing and polishing it. Something would no doubt be gained by the dexterity which a workman would acquire in making heads, another in fastening them on, and avoiding the necessity of changing tools. But how different is all this to the effect of fixing many heads at once by the instantaneous blow of a stamper, or of polishing many thousand pins at a time by the simple contrivance of turning them in a barrel with a quantity of bran, and a solution of tin in the acid of tartar? The use of machinery not only enables the number of manual sleights to be greatly increased, and renders them far easier to be acquired, by separating the dexterity of the workman altogether from the operation of the machine; and having done all this, it multiplies the whole power of the subdivision of labour, by whatever number of objects the machinery can embrace.

The same causes which have prevented them from attaining any

acquaintance with the principles of mechanical combination, have limited their knowledge of every other description. The same confined experience which kept them ignorant of the resources which they might derive from the properties of matter, concealed from them, in a still greater degree, those laws of nature which regulate the more important events of the world, and which are necessary to give certainty both to individual exertion, and to the moral and political efforts of states. These constitute, in fact, the most useful exercise which is afforded to human reason, and do more to strengthen the various powers of the mind, and to increase the influence which man can exert over his own destiny, than all the other descriptions of knowledge put together.

The existence of an institution in their society, which placed beyond their reach the advantages afforded by these, must be considered therefore not only as depriving them of the most powerful instruments which can assist the natural powers, but as preventing their faculties from attaining their full scope and vigour from the want of proper objects on which to exert themselves. In the progress of improvement, the human understanding expands as the branches of knowledge to which it is directed advance to perfection. The powers of improvement are greatly increased, and the acquisitions which are made are of infinitely greater consequence, and thus mankind are carried forward with a rapidly increasing force; the impulse which they receive from the genius of the present times being added to the accumulated momentum of all preceding ages.

The influence of these circumstances is visible, not only in the feeble character of the Hindoo people, but in the small progress which they have made in all the practical and most valuable branches of knowledge. In the different arts which they cultivated, and with all the astonishing perfection to which many of their fabrics reached, no object arose which might give employment to their faculties, or unite them in undertakings for the advancement of their common powers. Whatever they attempted or accomplished was still the attainment of the *individual*; and while they brought the manufacture of cotton to the utmost fineness of which it is susceptible, and had acquired the art of adorning it with every variety of colour and of dye, they had neither learnt to assist their strength by the aid of mechanical contrivances, or to employ any moving power but that of animal force. Even in the laborious business of watering their lands, machinery is utterly unknown.

It is curious to contrast the means by which similar objects are accomplished by men placed under different circumstances, and to observe how superior the resources of the mind are to every combination of physical advantage. In India, the cotton is nearly the spontaneous production of the soil, and is passed through the

different processes which transform it into the finest muslin, by means of implements which might all be purchased for a few shillings, and without having drawn forth any other endowments of our nature, than a delicacy of touch, and justness of eye. In England, the material is imported from countries lying under another hemisphere; it is worked up into cloths by an immense machinery, which has been the result of some of the most splendid efforts of human genius; and before it is fit for the market almost every art has been benefited by it: the arts of ship-building and navigation,—with all their subordinate employments,—the masons, the mill-wrights, the mechanics, the engineers, and the merchants, who construct and invent the machinery by which it is wrought—or who conduct canals to transport it, or supply the capital by which the whole is maintained. All these are but a few of the individuals who minister to the excellence of each piece of cotton, and who are paid out of its price. Yet the lowness of that price is an incontestible proof that their united labour has multiplied in an infinitely greater degree their common productive power. If we turn again to the steam-engine by which the machinery is moved, and which is unquestionably the greatest effort yet made by man in bending the properties of matter to his will, what an extraordinary combination of different kinds of information and of skill does it present! The perfection of the workmanship, the ingenuity of the engineer, the expansive agency of steam, the properties of the latent heat, and the power of condensation, the portion of the curve in which the piston-rod is made to move, the accumulation of momentum in the revolution of the fly, and the beautiful application of the principle of centrifugal force in the director,—are some of the more striking instances of the various kinds of knowledge which have all united to perfect the steam-engine. Such efforts are far beyond the conception of men whose ideas are derived only from their own individual pursuits; and it is thus, that by interfering less with the active principles of society, nations which were sunk in the lowest state of barbarism, when India was as far or farther advanced than she is at present, have out-stripped her in the career of improvement, and have risen to a pitch of greatness which she never knew.

An effect no less remarkable than the influence which the system of caste has exerted on the various arts, and the powers of mankind connected with them, has been produced by the same institutions in the different branches of learning for which the people of India have been celebrated from the earliest periods of which history has preserved the remembrance.

By allotting exclusively to the Brahmins the cultivation of knowledge, and placing them at the top of the artificial scale by which society was arranged, they were effectually prevented from turning their attention to those attainments which bear directly on the great

business of the world ; they were perfectly ignorant of all the practical avocations, and had no inducement to cultivate the branches of study which would have been valuable to the rest of the community. Wisdom was supposed to be something in itself perfectly distinct from the affairs of men ; and to the pursuit of this, the Brahmins were set apart, as the most pre-eminent of all objects, being left with their minds unchastised by the realities of life, to follow the bent of their own meditations.

In no instance does it appear that the Brahmins ever instructed the people in any species of attainment, which might enable them to extend their efforts and increase their command over the comforts of life, or that they ever sought to trace from the various events which affect the condition of society, the laws which regulate their succession, and which constitute the foundation of all practical wisdom. On the other hand, in all the subjects which are likely to attract the attention of a reflecting and contemplative mind, and from which the active pursuits and cares of the world usually withdraw the powers of observation, they made a great and early progress. In mathematics, in astronomy, and in metaphysics, they seem to have made the first advances. To the prosecution of these, their situation was peculiarly favourable. Among the unthinking and the vulgar, the practical purposes to which they are accustomed to see the properties of numbers applied produce an almost indissoluble association between the idea of quantity and the conception of some visible or tangible object ; and to them the firmament might shine for ever without exciting any other curiosity than a casual admiration of its splendour. These, however, are all subjects to which the attention of a people advancing in the natural course of improvement would be drawn, from their connection with objects of sense, long before they began to examine the phenomena of their own consciousness ; and from all these disabilities the secluded situation of a learned Hindoo, devoted to the sciences from his infancy, and taught to believe that no vulgar avocation of life should interfere with the lofty pursuits of a Brahmin, was more particularly free than any other condition in which individuals have been placed.

Accordingly, we may observe, in all their productions an exclusive and unnatural vigour in those powers of the mind in which the active and laborious part of society are in every country most remarkably deficient. All the works of the Brahmins bear strong marks of unusual powers of *abstraction* and *imagination*. By withdrawing their interest and their attention, however, from the common transactions of life, their observation was naturally turned to other objects, and the important purposes which these faculties might have answered were lost to themselves and to the community.

The progress which they made in mathematics and astronomy, sciences which under other circumstances have contributed so

largely to the improvement of mechanics, and of navigation, and of every branch of physical knowledge, led only with them to the vain pretensions of astrological skill ; and while they had ascertained the laws which regulate the motion of the planets, and could calculate an eclipse, or foretell with certainty the positions of the heavenly bodies, they were perfectly incapable of acting with energy or success in any of the great transactions of the world against far ruder, but more vigorous nations.

From the same indifference to the course of common events, their imagination shot into wild and extravagant luxuriance ; the grotesque and whimsical combinations which they formed were entirely creations of their own. They were made without the slightest regard either to probability or fitness, and are alike destitute of propriety and taste. The whole of their fantastical mythology, and all their writings, are illustrations of this remark. " We are surprised," says Dr. Robertson, speaking of a dissertation in the ' Mahabarat,' " at the defect of taste and of art in the manner of introducing this episode. Two powerful armies are drawn up in battle-array, eager for the fight. A young hero and his instructor are described as standing in a chariot of war between them. That surely was not the moment for teaching him the principles of philosophy, and delivering eighteen lectures of metaphysics and theology !"

From the mere circumstance of directing their attention to the objects of their own consciousness, they could not fail to arrive at some conclusions of the greatest consequence. The distinctions which they made between mind and matter, and the notions which they formed of the nature of the Deity,\* are many of them just and sublime. But these, as well as the other descriptions of learning for which the Brahmins were eminent, appear to us more wonderful, because, in a natural state of society, they have been among the latest subjects which have afforded an exercise to the human faculties. The cares of existence, and the common events which interest the great bulk of mankind, so completely absorb their attention, that a capacity for abstract speculation is justly reckoned among the most striking proofs of genius. There cannot, however, be any reason to suppose; that one description of phenomena presents naturally a more difficult field for reasoning than another ; and if the Brahmins were withdrawn from those avocations which gene-

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\* By a human sacrifice, attended by the forms laid down, Devi is pleased one thousand years, and by a sacrifice of three men, one hundred thousand years. By human flesh, Camachya, Chandira, and Bhacrava, who assumes any shape, are pleased one thousand years. An oblation of blood, which has been rendered pure by holy texts, is equal to ambrosia ; the head and heart also afford much delight to the goddess.—See the sanguinary chapter translated from the ' Calica Puran,' by W. C. Blegiure, Esq.—*Asiatic Researches*, vol. v. p. 372.

rally disqualify men for such pursuits, it is the less astonishing that they made an unusual progress in the subjects to which they were solely devoted ; nor is it quite fair to infer a high state of civilization among a people, from the truth of some of their speculative opinions,\* unless it can be shown at the same time that their conduct was successfully directed by their general principles.

Not only is there a total absence of evidence of this nature with regard to the Hindoo state of society, but it is sufficiently clear, that the inferences drawn from those branches of learning which contribute most to the greatness and happiness of nations, either produced no influence on their affairs, or were adapted to practice on so limited an experience, and fixed so unalterably and permanently, that they did infinitely more harm than good. Even in private conduct their habits of acting seem to have been very little benefited by their philosophical conclusions ; the dreadful nature of some of their rites ; the torments which they voluntarily underwent, and the state of sensuality in which the Brahmins themselves indulged, show how ill they had appreciated the nature of the service which would be acceptable to the deity, of whom they had formed so exalted an idea. Instead of seeking to correct the angry passions and mistaken propensities of mankind, they endeavoured only to remove all the most important subjects which have been furnished to the active faculties, and reduced the condition of humanity to its feeblest and most limited state. It is not possible, indeed, to attribute any great practical merit to knowledge, or attainment of any kind, however valuable it may be when properly applied, which, in the course of innumerable ages, did nothing, even among the class of men who were at once the most dignified in society and the teachers of wisdom, either to embellish life, or to purify the mind.

The opinions entertained by the Brahmins are of the more importance, because they were the sages and legislators of the community ; and however they may have originally acquired their office, the whole frame of society sufficiently indicates the share which they have had in its formation. The arbitrary devotion of the classes to particular duties, the gradation of them by a scale of dignity, and the limitation of their wants, are evidently not the result of any natural principle, but of a fanciful attempt to classify and arrange mankind according to some abstract notion of simplicity. The seclusion in which they lived kept them perfectly ignorant of the natural relations by which most of the affairs of the world, for which they were legislating, would be combined in the mind of every unprejudiced person ; and in those with which they

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\* See the arguments drawn from this circumstance by Dr. Robertson in favour of a high degree of civilization among the Hindoos in his learned and eloquent appendix to the 'Dissertation on India.'

were acquainted, their habits of speculation led them to look for points of resemblance different from the common associations.\*

In all the subjects cultivated by the Brahmins, they followed some whimsical theory of their own; and by the speculations in which they indulged on the nature of society, and the practical influence which their situation gave to their opinions, mankind have been shaped into a form in India which has no resemblance whatever to any thing which the principles of our nature have produced in other countries.

From the circumstance of their being set apart from the rest of society, precluded from their pursuits, and devoted to contempla-

\* Some curious instances of this might be produced. In some of their reasonings concerning the connection between children and their parents, the ties of blood and of affection are totally disregarded, and the whole reduced to the analogy of cultivation.

"The matter must be settled agreeably to the practice which prevails in the care of produce;" or "the practice which subsists with respect to cattle may be admitted in the case of an appointed daughter."

1st. "As with cows, mares, female camels, slave-girls, milch-buffaloes, she-goats, and ewes, it is not the owner of the bull or other father who owns the offspring;—even thus it is with the wives of others.

2d. "They who have no property in the field, but, having grain in their possession, sow it in soil owned by another, can receive no advantage whatever from the corn which may be produced.

3d. "Should a bull beget a hundred calves on cows not owned by his master, those calves belong solely to the proprietors of the cows, and the strength of the bull was wasted.

4th. "Thus men, who have no marital property in women, but sow in the fields owned by others, may raise up fruit to the husbands; but the procreator can have no advantage from it.

5th. "Unless there be a special agreement between the owner of the land and of the seed, the fruit belongs clearly to the land-owner; for the receptacle is more important than the seed."

"But (adds the commentator) there is this difference, that the connection of the produce with the receptacle is inferior to its connection with the seed."—*Menu—Digest*, vol. iii. p. 248.

This instance, from one of the most important relations in life, (and it would be easy to multiply their numbers from every page of the 'Digest' of Hindoo law,) may serve as an example how totally the lawgivers disregarded all views of the effect which their enactments were to produce in society, and of the useless and futile abstract subtleties which led to the most important decisions. There can be no reason to doubt, that if the seed had appeared to them more important than the receptacle, they would have adopted just an opposite conclusion. According to their doctrine, a man's right to his own son is dependent on the absolute property which he has in his wife; and this son is not the less *his*, whether it is his *offspring* or not!

'Numeri motusque tractabantur et unde omnia orirentur, quoque reciderunt. Studiosaque ab his siderum magnitudines, intervalla, cursus anquirebantur et cuncta cœlestia. Socrates autem primus philosophiam devocavit e cœlo, et in urbibus collocavit, et in domos etiam introduxit et coegit de vita et moribus rebusque bonis et malis quærere.'—*Cic. Tus. Quæst.* lib. v.

tion, they opened up to themselves important fields of inquiry among a class of phenomena removed from common observation, but whose relations they found as susceptible of reasonings and deductions as those by which more familiar objects were connected; and hence they were naturally led to conceive, that wisdom was something superior to the affairs of the world, and was to be sought for in abstruse and subtle distinctions, which would never occur to common sense. But although their particular situation rendered their speculations of much less value to themselves and to their country than they might have been under more fortunate circumstances, yet they have produced a most important effect on the destinies of the whole human race. The influence of their philosophical tenets may be clearly traced on the opinions of every age of which a record has been preserved, down to the present times. Many of their attainments were in themselves great steps; and even for the establishment of philosophy itself, as an object of pursuit, the world is most likely indebted to the institution of the Brahmins. It was not, indeed, till their knowledge made its way into other regions, and attracted the attention of a more enterprising and natural people, that mankind were taught "that what was above them did not concern them," and "that philosophy was brought down from heaven to dwell in the abodes of men." But in the seclusion in which the Brahmins were placed, and the facility which it afforded for the development of the power of abstraction, is probably to be found the point at which the first and earliest ray of science dawned on the human intellect.

It must be admitted, that the establishment of castes evinced an observation of the advantage derived from a most important principle of improvement, and the attempt to limit its operation may be considered only as the result of the blindness of human wisdom to the still greater purposes to which it was destined to prove subservient. Owing to this circumstance, almost all the objects which man immediately requires, attained great perfection among the Hindoos at a very early period of their history. The devotion of a particular class to each pursuit brought the objects of industry, which their own wants had created, to a degree of excellence which no other manufactures in the world had acquired; and indeed some of the most common European productions can only be considered as a successful imitation of articles, for which the excellence of the Indian fabrics had furnished a pattern and created a demand. Even in philosophy and learning they had outstripped the rest of mankind; but, in order to accomplish this, they had crippled the faculties of the whole population. It is true, they could produce commodities in every description of industry superior to the manufactures of other countries, and they had made advances in science which rendered "the wisdom of the East" proverbial throughout the ancient world. It is not, however, a dexterity in any of the humbler pursuits, nor even a faculty of patient research, nor an



imagination, however sublime, that renders man an active and a vigorous creature, but the regular and uniform development of all his various powers. From the particular encouragement which was given to certain faculties in every individual, their manual execution, their power of reflection on subjects beyond the reach of the great bulk of the world, and the lofty visions which their imaginations created, have been the admiration of every age. But, as an association of human beings, they were more feeble than any other that has ever been exemplified; and while their fabrics, their philosophy, and their religion, have contributed to form the wants and the opinions of almost every civilized nation, they have never produced either a warrior, or a statesman, who could successfully cope with the leaders of any people by whom they ever were even assailed.

If we would inquire, what it is that, in every period of the world, has bestowed a superiority of national character, we must look for its source in the command of general principles, and a power of applying them readily to practice. To men, whose ideas are confined to one particular class of objects, every new circumstance which occurs in general life is a new difficulty, and requires time and deliberation before they can decide on it; while to those whose minds have had a freer range, and who have been accustomed to classify their knowledge by those common relations which subject them alike to similar laws, every unexpected occurrence is referred at once to some class of precedents, with regard to which former experience has already established the rules of conduct. In process of time even the enlarged deductions which are considered as the greatest efforts of wisdom become established articles of popular belief; and thus truths, which were, perhaps, discovered at first by the most profound and patient reflection, are reduced at last to trite sayings and common-place remarks. It is thus, too, that a class of men are formed, who acquire, without any direct effort on their part, nor in the prosecution of any particular pursuit, and without any very extended views of their own, a knowledge of the great principles of conduct in use in their day, and a kind of mechanical dexterity in applying them, which, if it does not render them very safe and enlightened counsellors in new and untried situations, fits them admirably well for all the purposes of subordinate action. It is this kind of skill which men silently and imperceptibly acquire from the mere tendency which knowledge has to communicate and diffuse itself, and which they glean, as it were, from the harvest in which others have previously laboured, and the fruits of which they are reaping, that forms, from among the lower orders of society in England, individuals more intelligent in the affairs of the world, and more able and energetic in conducting them, than all the armies or the cabinets of India could ever produce.

This species of knowledge can never be acquired, in the first instance, but by a general and enlarged survey of all the relations by

which every different kind of phenomena are connected or exerted usefully, and by men accustomed to employ alike all their different attributes. What, after all, is the progress of mankind, but the progress of their faculties? It is not our superiority in science or in navigation, or our excellence in any of the arts, which has made the feeble inhabitant of India sink on every occasion beneath the energy of the European character, but that want of confidence in the extent of his own resources, which a man derives from a consciousness of superiority of attainment, and which is fostered by constant struggles with those who are around him; advantages, the full value of which he may, perhaps, never know, till, measuring his strength against some weaker adversary, he feels what he is capable of achieving, and finds practically illustrated in his own individual case, the truth of the apophthegm, that "**KNOWLEDGE IS POWER.**"

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HYMN TO LOVE.

Thou fiery god! lay by thy twanging bow,  
 And put on visibility awhile,  
 Forsake thy mother's breast of panting snow,  
 And commune with thy servant without guile;  
 Let me drink inspiration from thy smile,  
 And put thy seal upon my murmuring words,  
 Such as thou once in Lesbos' shadowy isle  
 Taught'st Sappho's soul to breathe o'er burning chords,  
 When Passion first made known what sweets thy fount affords.

Tell me, bright Eros! why thou dost forsake  
 So oft the lap of proud magnificence,  
 And golden plenty, and the scenes that make  
 Such impress on the sons of Mammon's sense;  
 And choose thy rapturous influence to dispense  
 On hearts by sorrow and by suffering riven,  
 Which, but for thee, might doubt of Providence,  
 Stung by the world's neglect, and tempest driven  
 Towards thy balmy coast, their unexpected heaven?

How dost thou cling, with wings by grief bedewed,  
 To beauty's bosom on the stormy main,  
 When all its cherish'd hopes lie tempest-strewed  
 With one loved form upon the ocean-plain;  
 When e'en from stranger eyes the pious rain  
 Drops, as the waves receive their hallowed trust,  
 And leap in triumph wild, and close again,  
 Mocking the gaze that thenceforth ever must  
 Regard them as fierce fiends, inflamed by deadly lust!

How canst thou dight thee in so many a guise,  
 And now in smiles, and now in tears appear ?  
 How look one moment from the wanton eyes  
 That glitter in the dance's warm career ?  
 The next sad seated by some lonely bier,  
 Shedding mute sorrow o'er some clay beloved,  
 Refusing to be comforted, or wear  
 Aught but the sable garb by grief approved,  
 And deeming all life's light with that dear form removed ?

But are my eyelids steep'd in dreams, or do  
 Thy red lips whisper, yonder 'neath the moon,  
 New tales to maidens' ears, that deem them true,  
 But shall by fierce remorse be taught too soon  
 'That thou, a morning visitor, ere noon  
 Dost spread thy golden wings for further flight,  
 Leaving, with hearts deceived, the hollow boon  
 'They prayed for in their madness ; now, despite  
 Thy torch, which once was theirs, replunged in dreariest night.

I gaze upon thy brow and folded wings,  
 And listen to the music of thy sigh,  
 Still wondering at the burning ray that flings  
 Conquest and proud dominion from thy eye ;  
 Seeing in thy arms immortal beauty lie  
 Blushing in sweet confusion and delight,  
 And yielding all her soul to satisfy  
 Thy eager ears, and touch, and greedy sight,  
 And wishes that transcend all sounds and phrases quite.

Thy track along the earth doth teem with life ;  
 All forms are by thy wings to being fann'd,  
 And souls are shot from forth thy quiver rife,  
 To people the creations of thy hand ;  
 And though their clayey moulds may not withstand  
 The shocks of time and fast revolving change,  
 Thy worshippers but pass the lighted brand  
 From form to form, in ever-widening range,  
 And rites, from which nor chance nor fate can man estrange.

How dost thou nurse the future pair of love  
 In cradles severed by high foaming seas,  
 Or mountains greeting heaven the clouds above ;  
 Breed one in cots and one in palaces,  
 And shower on half the union gold and ease,  
 While on the other griefs and dangers lower,  
 Yet shape their meeting course by slow degrees,  
 And beauty's, valour's, or wise learning's dower,  
 Match with the pomp of wealth, or ensigns proud of power !

BION.

## EXCURSIONS IN SWITZERLAND.

*Geneva—Ferney—Mont Blanc—Chamouni—Lac Leman—  
Bex—Martigny.*

GENEVA is the smallest in extent of all the cantons of Switzerland. Its population is about 30,000, of whom 23,000 belong to the town. The situation of Geneva is strikingly picturesque, and possesses all the advantages which wood, water, and mountains can bestow upon scenery. The town is placed at the extremity of the extensive and beautiful lake which bears its name, and is divided by the Rhone, which runs through it in two streams of the clearest and most intense blue. The town itself is an old-fashioned, ill-built, and dirty looking place, surrounded with walls and ramparts, which give it an appearance of considerable strength. The streets are in general narrow, and the houses mean, but some of the shops, particularly those of the watchmakers and jewellers, present a gay and dazzling spectacle. A striking feature in the appearance of Geneva, as it is approached, is the want of spires; with the exception of two curious looking old towers which appertain to the cathedral, not one "heaven-directed spire" rises from this nursery of the Reformation. Numerous neat and ornamented villas are scattered around in all directions, particularly along the edges of the lake. To these the more wealthy of the citizens retire in summer, leaving the town chiefly in the occupation of strangers. The language and dress of the Genevese are entirely French, and their manners are as much adapted to the same standard as the heavy and Germanic nature of the people will admit of. They are generally described as plodding methodical folks, turning the whole of their attention to the acquisition of wealth. The customs of Geneva, unlike those of the other Swiss towns, allow much communication between the sexes, in consequence of which the ladies are, in general, very well informed, fond of reading and of conversation, of a character which would invest them with a shade of *bluc* in England. They are also lively, agreeable, and accomplished, excelling in music and drawing, but very domestic, seldom stirring abroad excepting in the evening, when, during winter, *soirees* are very general. Geneva is a republic—the legislative power is in the hands of the assembled citizens, and the executive in those of a greater and a lesser council. The citizens talk very freely and openly on politics; but, even in a republic, things require mending sometimes, and Geneva is not without her portion of those hateful beings termed Radicals. Unfortunately for the interests of "venerable antiquity," this body is numerous and powerful, and their operations are characterized with a degree of vigour, which would,

undoubtedly, greatly surprise Sir Thomas Lethbridge. They some time ago effected the reduction of the standing army of Geneva (500 strong) to half that number. A strenuous attempt was also made to accomplish the demolition of the fortifications, and the publicity of the debates in council, which the wisdom of their ancestors had determined should be carried on with closed doors. What success attended these efforts is not known to the writer of this. The university of Geneva has been long and justly celebrated for the number of eminent men who have adorned it. It has twelve professors, and its plan a good deal resembles the Scotch universities. Geneva is celebrated for watches and jewellery, which form the chief articles of its trade. Its book trade, for which it was also famous, has greatly diminished since the establishment of a free press in France. Altogether, Geneva possesses much more of gaiety and amusement, and less of formality and monotony, than any other of the Swiss towns. The streets are full of bustle, both of business and pleasure, and, as it is in the most frequented route from France to Italy, there is a constant influx and efflux of equipages, diligences, and travellers, which give much life and variety to the scene. The number of strangers, particularly English, who make a temporary residence of Geneva, is inconceivably great. Some, enticed by the beauty of the neighbourhood, or assailed by laziness, proceed no further on their travels; others fix their residence at Geneva, finding the manners of the people more congenial with their habits and pursuits than those of the other Swiss towns; and a great number assemble there as a convenient and agreeable halting place until the season for going into Italy arrives—like a fleet waiting for convoy. From these and other causes, perhaps, no town of its size out of Great Britain contains so great a number of English as Geneva in summer.

One of the most indispensable excursions in the neighbourhood of Geneva is that to Ferney, to which Voltaire's residence there has communicated so great an interest. It is distant about two leagues from Geneva, and is in France. The house Voltaire inhabited is a handsome looking building, but has rather a dismantled appearance; possibly the owner thinks that modernizing it would take from its interest. It is now in the possession of the same family from which Voltaire purchased it; but the curious may be gratified with a sight of all its *memorabilia*, by bestowing some gratification in return. Voltaire's bed-room remains in the same state it was when he occupied it; it is hung with a variety of pictures, and numerous small engravings of eminent men of all nations, Milton, Franklin, Washington, &c. Voltaire occupied himself much in laying out and beautifying the grounds around his house, and the arrangement is very creditable to the philosopher's taste. There is a long covered alley of trees, which was a favourite retreat of his in his moments of inspiration and meditation. From a terrace in

the garden is a most sublime view of Mont Blanc and the adjacent mountains. Adjoining the house at Ferney is a small church, built by Voltaire, which has the following inscription—"Deo crexit Voltaire." The village was entirely his own creation; when he arrived at Ferney there were only two or three houses, but under his administration a large and flourishing village sprang up. Several relics of the philosopher are shown to the curious; amongst the rest his night-cap, which is embroidered without, and extremely greasy within; also a book in which he carefully pasted the seals of all his correspondents, and when he received a letter, if he found, on comparing the seals, that it came from any one he disliked, he returned it unopened. Each seal in this book is accompanied by the owner's name in Voltaire's hand-writing, and sometimes also by a note indicative of his sentiments, unceremoniously enough expressed—such as "David, Rue d'Enfer, fon." Lord Lyttleton's seal is in his collection, with those of several other Englishmen.

An excursion to the vale of Chamouni is made most conveniently from Geneva. This interesting spot abounds in all that is romantic and sublime in scenery—its glaciers—the numerous lofty and fantastic peaks loaded with snow—and the immense mass of mountain overhanging, and, as it were, threatening destruction to the beautiful little village reposing beneath it—all give a character of grandeur to the scene that Chamouni presents, which it would be vain to look for in any other spot in Switzerland, or indeed in the world. Still it is not from Chamouni that the "Monarch of mountains," Mont Blanc, is seen to the greatest advantage. A certain degree of distance seems essential to sublimity in a lofty mountain—the spectator should be sufficiently remote to lose the disjointed appearance which such an object presents when viewed near. Contemplated from Chamouni, its extensive base, its diffuse and disjointed appearance, the number of its component peaks, and the deception which proximity occasions, making the nearest appear the highest, all these unavoidably detract from the majesty of Mont Blanc, and lessen the emotions of wonder which such an object is calculated to excite. The best view of it is from Sallenche, a small village, distant about six leagues from Chamouni. It is difficult to conceive anything more indescribably beautiful than this view in clear weather, particularly about sunset; the warm and glowing tinge of the solar beam rests on the snowy peaks long after the sun has set, gradually becoming fainter and fainter, until it totally vanishes, and all remains grey and cold. Of the numerous visitors who annually flock to the vale of Chamouni, some few adventurous spirits attempt to gain the summit of Mont Blanc, which is now an enterprize of less "pith and moment" than was formerly imagined; others, less daring, but "not without ambition," content themselves with reaching a spot called the Jardin, where are found a variety of curious plants, and which is the highest spot on Mont Blanc (probably in

Europe) where vegetation is found. A few, very few, have crossed the Col de Geant. This exhausting and perilous feat was, a few years ago, performed by a lady and her daughter, an interesting and delicate looking girl, accompanied only by guides. They evinced, throughout terrors of no ordinary magnitude, the utmost courage and presence of mind, and endured hardships and braved dangers from which most men would have shrunk appalled. The great mass of unaspiring tourists, male and female, thinking it absolutely necessary to accomplish something, satisfy themselves with the modest notoriety which attends an ascent to Mont Anvert and the Mer-de-glace. It is amusing enough to observe the self-sufficiency with which these various exploits are recorded by the several *would-be* Saussures who have accomplished them, in the book kept at the inn, *ostensibly* with a view of entering the names of travellers, but in effect a vent for splenetic effusions against the weather, and witticisms and jokes of all degrees. Thus you read :

" July 25. Mr., Mrs., and the Misses Treadwell just returned from an ineffectual attempt to reach the Mer-de-glace ; found the snow an inch and a half deep, and the mules indicating an unwillingness to proceed ; thermometer 49. By the advice of guides, the oldest amongst them not recollecting so many impediments having ever presented themselves to the undertaking, we reluctantly abandoned this interesting expedition." Or, " Messrs. Walker and Bragg safely reached the summit of Mont Anvert, 10,005 feet above the level of the sea, and remained there twenty-five minutes, for the purpose of making various philosophical experiments. Travellers who attempt this difficult ascent should provide themselves with fur cloaks and gloves, as the cold is intense in these elevated regions ; they ought also to use the precaution of stuffing their ears with cotton, and ought occasionally to rub their limbs to quicken circulation ; above all, they should implicitly obey the instructions of their guides, who should be the most experienced to be found."

Amongst the profusion of common-places, both in prose and verse, which this book contained, were a few gems ; some verses written by Lord Byron, and one or two original contributions by distinguished persons, but these have all been abstracted by some unprincipled collector, and " all the rest is leather and prunella."

Lac Leman is rich in associations, if any spot can be rendered so. The birth-place of Rousseau ; the nursery of the Reformation ; the favourite haunt of Byron, and the theme of some of his softest lays and most energetic strains ; the chosen retreat of Gibbon ; the resting-place of Ludlow and De Stael ; but, above all, the eloquent pen of Rousseau has bequeathed an imperishable interest of the most captivating description to all around. The scenery indeed is worthy of such description, and would be perfect were it not for the endless and unpic-

turesque vineyards which decorate the edges of the lake. People are apt to suppose, from the frequent mention made of vineyards and vintages, and the conspicuous figure they cut in poetry and romance, that vines are vastly beautiful and ornamental; this is a great mistake, they are infinitely disfiguring to a landscape, and, in the close-cropped state in which they are usually found in wine countries, cabbages are objects quite as picturesque as vines. That part of the side of Lac Lemán which extends from Geneva to Lausanne is called *La Cote*, and produces a wine much esteemed; that between Lausanne and Chillon is called *La Vaud*, producing wine of an inferior quality. Lausanne is a charming spot, delightful in situation and romantic in scenery; the town is handsome and striking, and the environs beautiful. Nothing can surpass the tranquil beauty of the lake, viewed from the heights of Lausanne; the eye glances over its lovely expanse and reposes on Meilleri, on Vevay, on Clarens, on Chillon. All is beautiful: the lake is broken in the most picturesque manner possible by frequent jutting promontories, surmounted with woods, or churches, or villages, and presenting an endless variety of romantic and rich beauty, even the boats are strikingly picturesque in form and rigging. Nor are mountains wanting, lofty, irregular, and diversified as the painter could desire, whilst Mont Blanc, Monte Rosa, and the gigantic chain of the snowy Alps, rise in luminous majesty behind. The house in which Gibbon resided is now occupied by a family, and is not shown to strangers; but the curious are gratified with a sight of the garden and often-mentioned summer-house, in which the philosopher is said to have written the greatest part of his imperishable history. The summer-house is fast falling into decay, and a few years will make it a complete ruin. Vevay is a pleasant little town, situated on the border of the lake. Here Ludlow passed the last years of his life, and was buried; in one of the churches is the following inscription over his tomb: "Omne solum forti est patria, quia patris." Clarens will prove a sad disappointment to him whose expectations are built on Rousseau's descriptions. It is very plain that Rousseau never was there, for not only has he substituted groves and meadows for the unvarying and interminable vines which every where weary the eye and mar the beauty of the landscape; but he has chosen for the scene of his romance one of the most dirty, disagreeable, and unpoetical little villages that could be found in the whole *Pays de Vaud*. Byron has made a better choice: Chillon is a fine venerable looking pile, rising abruptly out of the water, and connected by a narrow pathway with the land. The celebrated dungeon, in which Bonnivard was confined, is dreary and dismal enough; but whatever it may formerly have been, it is not now below the level of the lake, as may be seen by comparing the height of the loop-holes without and within. The columns and arches are Norman, and the whole is solid and uninjured by time. In one of the pillars is a staple to which they say the chain of the "Prisoner of



Chillon" was attached; they even pretend to show the marks which the captive's constant step had worn on the flags. The pillar is covered with names, amongst which Byron stands conspicuous. It is curious to observe how little the imagination suffers itself to be controlled by reason and conviction. The dungeon of Chillon certainly contained the captive Bonnivard for six years; Clarens certainly never did contain two such persons as Julie and Saint Preux. With the full conviction of these facts, it is as impossible to pass through Clarens without looking for the abode of Baron d'Etange, as it is to enter the prison of Chillon without searching for the pillar to which the captive was chained. After passing Chillon, the road leaves the lake, and enters the valley of the Rhone—and so adieu to Lac Lemman.

Bex\* is celebrated for its salt mines. These are huge excavations in the side of a mountain, which penetrate several thousand feet into the solid rock, with large reservoirs for the reception of the saline, which is thence conducted, by a course, to the salt works, which are about a mile below. The excavations are very stupendous, and must have cost infinite labour; but extensive as the works are, the quantity of salt they furnish is not adequate to the supply even of the Canton of Bern. The works contain nothing remarkable, with the exception of a machine called the *gradation*, for the purpose of separating the saline from the fresh water which gets mixed with it in its course from the mines to the works. This consists of an immense wooden skeleton or frame work, which is raised to the height of forty or fifty feet,—the interstices are filled with twigs or faggots, laid loosely one above the other to the top. The adulterated water is then raised, by means of an hydraulic engine, to the summit, where it is dispersed, by means of small drilled troughs, over the surface of the faggots, and is filtered through them;—the calcareous particles adhere to the twigs and crystalize—the fresh water is consumed by the atmospheric air—and the saline is caught in receptacles prepared for it below. This process must be repeated three or four times, in proportion as the saline is more or less impregnated with fresh water, before it becomes sufficiently pure for the pans.

Martigny is a paltry village, remarkable only for filth. In the spring of 1819, a most dreadful and desolating inundation occurred here. The Tzerimontane Glacier, from which a stream takes its rise, which unites itself to the Drance above Martigny, became obstructed. The inhabitants of the valley below became apprehensive of the consequences of this accumulation of water, and the

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\* Bex is pronounced as Bey or Bay: Quere—is it the salt made in these works that is called Bay salt? The derivation seems more probable than that of its being so called from being made in a bay of the sea. For what can there be in salt made in a bay, to distinguish it from that made on a headland? Bex salt is remarkable for its whiteness.

utmost consternation prevailed. The Government of the Vallais adopted every possible measure to diminish the alarm. Beacons were posted on all the heights from the glacier to Martigny, which were to convey instant notice of the eruption of the water, and, as the distance from the glacier to the village was nine leagues, it was thought that sufficient time would be afforded to enable the inhabitants to seek a shelter. Postillions were also kept ready mounted to carry the intelligence along the valley. Unfortunately these precautions were in a great measure rendered futile by mismanagement and miscalculation. The evening before the water actually did burst forth, those who watched on the hills were alarmed by an increase in the body of water which came down from the hills. Thinking the crisis was arrived, they lighted the beacons, and the cry "*saute qui peut*" was rapidly spread over the valley. The inhabitants had scarcely recovered from this false alarm when the water actually did burst from its confinement, and as those who had charge of the signal posts had most unaccountably neglected to re-erect the consumed beacons, with the exception of that immediately over Martigny, the notice was too short to be of much use. The velocity of the water too, was sadly miscalculated. The distance from the glacier to Martigny is nine leagues, and it was supposed the water would take three hours to reach the latter place, whereas it only took one hour and a quarter. The destruction it occasioned was immense—houses, trees, crops, cattle, and men were swept away, and overwhelmed in one unsparing devastation. Forty-eight lives were lost in Martigny alone, and the most cruel desolation was spread over all that part of the valley. In the streets of Martigny the water was six feet high, and many of the houses were carried away or greatly injured. But to attain an adequate idea of the irresistible and overwhelming impetuosity with which this mass of water descended, it is necessary to ascend the valley and survey the gigantic fragments of rock which were hurled down by this furious torrent, and which now remain firmly planted in the soil, the lasting evidences of the resistless force of such a body of water. Two anecdotes connected with this event may be mentioned. When the panic was at its height, the alarm was such that all travelling in the Vallais was at a stand. The Government, who depend greatly on travellers for their revenue, published a notice of the precautions they had taken for general safety, and assured travellers that they might pass through the valley with security. On the faith of this, an English gentleman, named Smith, came to Martigny, and having left his carriage there, ascended the Great St. Bernard. Whilst there, the inundation took place, and the carriage was destroyed. Mr. Smith claimed restitution from the Vallais Government, on the ground that it was in consequence of their assurances that he had risked his life and property. The Government acknowledged

the justice of the claim, and made compensation, and, it is said, the British Minister indemnified the Vallais Government.

One of the monks of St. Bernard was coming down on horseback shortly before the water burst out. Observing the water running very rapidly, he was anxious to ascertain its velocity. Descending from his horse he threw in a piece of wood, and mounting, galloped along the side of the river ; after a considerable race, he found that the wood beat him, and slackened his place. Just as he reached Martigny the alarm was given, and the water arrived instantly, and but for his experiment with the wood, which had quickened his pace, he would most likely have been overtaken and lost.

VERSES WRITTEN IN A LADY'S SKETCH-BOOK, UNDER THE  
HEAD OF A MISER.

*Quid jurat immensum te argenti pondus et auri.*—HON.

Yes, thy drawing, fairest maid !  
Tells, as written tomes relate,  
By the varying of its shade,  
Deeds of selfishness and hate.

There 's the calculating eye—  
There 's the stubborn chin resolving—  
That 's the lip that would deny—  
That 's the cast, on gold revolving

See the deep-drawn lines of care  
In the forehead ; in the face  
Mark the scorn of *good* and *fair* --  
See the antipathy to grace !

View the moral of the whole,  
Collected from each dot and line ;  
Forlorn and blighted is the soul  
That baits virtue for mere coin.

If I might be thy adviser,  
Let thy pencil, firm and true,  
Scorn to copy from a miser,—  
Draw from fancy forms like you !

Then, in contrast, would appear  
Sweet expression—features vile ;  
All that 's odious—all that 's dear ;  
Contracted frown—and open smile ; --

For sure thy fingers must excel  
In tracing loveliness and worth,  
More than in drawing imps of hell,  
The gold-adoring sons of earth.

J. W.

## STATE OF THE CAPE OF GOOD HOPE IN 1825.

BY A COLONIST.

## No. II.

UNDER all arbitrary governments we find that the farther men in office are removed from the eye of their superior, the more are they usually inclined to oppress those who are placed under them. And they are enabled to do so with impunity; for, as the head of the Government generally considers the opinion he has formed of men and measures to be infallible, he is naturally disposed, on all occasions, to support those he has placed in authority, and to resent the complaints of the people as presumptuous and factious murmurings against his own "paternal sway." The people, finding all their grievances disregarded, and every exposure of mal-administration treated as a crime, either become desperate, and break out into insurrection, or fall into a state of mental apathy, and gradually lose all independence and energy of character.

This course of things has been exemplified in a very striking manner in the management of the Cape colony, both under its Dutch and English masters. On the first settlement of the colony, indeed, and for a considerable time afterwards, the Dutch republic evinced a very laudable anxiety to guard against abuses in the administration, and to protect the colonists from oppression by its functionaries, of whatever grade. During this period many excellent enactments were issued, well adapted at once to secure the civil rights of the European settlers, and to restrain them from aggressions upon the freedom and property of the native tribes. The arbitrary power of the higher functionaries was jealously controlled by efficient checks; and the governors themselves were not unfrequently ordered home upon the complaints of the inhabitants, and strictly called to give account of their stewardship. But with the decline of virtuous public principle in the Dutch nation, all that was praiseworthy in the administration of this settlement disappeared; and, subsequent to the year 1770, its management, in the hands of its old masters, was nearly as bad as—it has been *latterly* under British dominion.

The English, on taking possession of the colony in 1795, found it in a state of great confusion and anarchy. The former Government, at once tyrannical, corrupt, and weak, was detested and despised by the mass of the inhabitants. In some of the remote districts, the colonists had even risen in arms and expelled the local functionaries. Their project of ridding themselves altogether of European sovereignty, and of erecting a republic in South

Africa upon the model of the French democrats, was, no doubt, in the circumstances of the colony, sufficiently absurd; but it is equally certain that it was not without cause that they were disgusted with their colonial rulers. At the same time, the Hottentots, driven to desperation by the intolerable oppression alike of the Government and of the boors, had, in the eastern districts, shaken off their submissive apathy, revolted from the cruel bondage which had been unrighteously imposed upon them, and were now repaying upon the white inhabitants their long arrears of injury, in a bloody and devastating warfare.

Such was the state of the colony when it first fell into the hands of the English. A policy, not less liberal and conciliatory, than just and energetic, was necessary to repair the breaches of the community, and to cement into a fair and firm structure the heterogeneous materials of which it was composed. But the military officers, to whom the government was (at *that* time perhaps necessarily) intrusted, possessed neither the leisure nor the skill, however much they might have the inclination, requisite for the accomplishment of such a delicate task. They understood only *military* subordination. They quelled the rebel boors; they quieted the insurgent Hottentots; they expelled the marauding Caffres; they made captains and colonels civil magistrates—to keep down sedition. Every thing else they allowed to remain nearly as they found it.

Mr. Barrow, who had been Colonial Secretary during our first occupation of the Cape, assured the English public, in his work on the Colony, that the Dutch African settlers were altogether such a brutal, ignorant, and rebellious race of men, that they would “never become civilized until they were *ruled with a rod of iron*.” This suggestion seems to have had great weight with the British Government, and with its colonial representatives, for it has been strictly followed ever since. And this policy has proved exceedingly efficacious, too, if we may credit the ‘Quarterly Review,’ which has lately informed the public, that the colonists have marvellously improved and prospered under it, and are now as submissive, loyal, and thriving a set of subjects as his Majesty could wish to see on a summer’s day. Assuredly they are now *submissive* enough. But they can claim no great merit on that account. They have been well trained—that is to say, they have been well trampled down for the last thirty years. Unqualified submission has become habitual to them. “They like it,” as the humane cook said in defence of the practice of skinning eels alive; “they have been used to it these thirty years”! The liking of the Dutch colonists for a despotic government may be considered not less unequivocal; for it is a fact that some of the “loyal and gallant burghers” (as the ‘Cape Gazette’ calls them) recently signed addresses in favour

of Lord Charles Somerset,\* and that some of the “loyal inhabitants” of Cape Town, after getting drunk with champagne, actually drew his Lordship in his carriage before he left the colony. Indeed, the military governors, who, down to the present day, have been systematically selected to rule this settlement, have proved themselves in general perfect adepts in drilling men to passive obedience, however deficient some of them have been in other qualifications, commonly considered indispensable in those placed in authority. The “rod of iron” is an instrument of great simplicity; and the Home Government has occasionally shown, by the selection of its functionaries, how very small a modicum of talent, principle, or common sense, it considers requisite for the ruling of such subjects with such a sceptre. Sensible and well-disposed men there have undoubtedly been among the English Governors of the Cape; but such men have usually had but a short lease of it. Lord Caledon held the government about three years; Sir John Cradock scarcely two. Lord Charles Somerset has reigned already twelve years, and expects (as his friends say) to keep the colony as long as he lives. It is similar with the inferior authorities. Colonel Cuyler has been a Landdrost above twenty years, and is still in office, notwithstanding that his district is notoriously the worst administered in the whole colony.† But this recalls me to the performance of the promise I made the reader in my last article, namely, the development of the

#### SYSTEM OF PROVINCIAL GOVERNMENT.

The colony is divided into ten or eleven districts, each governed by a *Landdrost* and board of *Hemraaden* (or sworn counsellors.) This council was originally designed by the Dutch Government, both to assist the Landdrost in his duties, and to check any tendency to abuse of his authority. What it has practically become, under the English dominion, will be seen by and by. At present our business is with

#### *The Landdrost.*

This officer is invested with powers and privileges of so extensive a description, that the inhabitants of the province under his charge may be rendered happy or miserable, and their prosperity advanced or checked, according to the disposition and abilities of their Landdrost. Any one who wishes to see this assertion verified has only to survey the adjoining districts of Graaff—Reinett and Uitenhage.

The Landdrost not only possesses arbitrary authority over his

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\* The art and mystery of manufacturing and getting up laudatory *addresses* I propose to develop a little (as it is practised at the Cape) in a subsequent article.

† With the exception always of the English settlers in Albany, under those three wise men of Gotham—Captain Trappes, Captain Somerset, and Harry Rivers.

district, but, with the exception of the district Secretary and Clerk he has the nomination or appointment of all the inferior officers, in it. He is Lord-Lieutenant, High Sheriff, Attorney-General, Justice of the Peace, Receiver and Paymaster-General, Political Commissioner of the Church, President of the Matrimonial Court, and Coroner. He has also virtually the power of distributing lands, which, at his recommendation, are given in superabundant extent to his favourites, but refused to those who have fallen under his displeasure, though fully as deserving, or better entitled to them.

All the internal regulations of the country districts are made by the Landdrost, with the aid of his acquiescent Council; and the Landdrost puts them in force as soon as they have gone through the form of being approved by the Governor. There is only one instance within my knowledge where the Governor has refused his approval of any regulation made by the Board of Landdrost and Heemraden; and in this one instance, it was too barefaced a piece of arrogant oppression to meet with official sanction.

The Landdrost having made laws and regulations for the internal government of his district, puts them in force mildly, or severely, as he pleases, without the least dread of the consequences; the only door left open for an oppressed individual to seek redress, being by a direct application to the Governor. If he ventures to take such a daring step, what is the usual result? If a person who has undergone all the injuries and insults which the capricious tyranny of a Landdrost can inflict, at length, wearied out by a succession of such acts, makes a complaint to his Majesty's Representative, his letter or memorial is immediately remitted to the Landdrost, for his examination and report. The Landdrost makes his reply accordingly, which he supports, perhaps, with documents—true or false. Upon this hearing merely, the case is immediately decided against the unfortunate complainant, who may think himself leniently dealt with, if he is only haughtily informed that his complaint "is false and groundless." But in general he is not so fortunate as to get off on such easy terms. He is either tried for *libel*, for thus complaining against a public officer, or a fresh series of insults and oppressions are heaped upon him in retaliation for his audacious appeal. Nor is he indulged with a perusal of the reply, made by the Landdrost to Government, in answer to his complaint, lest it might lead to discussions that would tend to the corroboration of his statements. If, therefore, a Landdrost chooses to be a petty tyrant, the inhabitants, taught by severe experience, generally prefer submitting meekly to all his acts of aggression, lest, by making fruitless complaints, they might irritate the despot so much as to bring down the full weight of vengeance upon them. I shall now adduce a few facts in illustration of the foregoing remarks.\*

Of the extraordinary influence of the landdrosts, in regard to the giving, refusing, or revoking of grants of land, it would be easy to mention innumerable instances. I shall, however, confine myself to a few.

The first is the case of the widow Routenbach, in the Uitenhage district. The inhabitants had been driven out of that part of the colony by the Caffers. The widow, although by this circumstance deprived of the use of her farm, (called Routenbach's Drift,) continued for several years to pay the annual duties upon it to Government, and had taken receipts for these payments; but, finding that no steps were taken to recover the country, she requested that she might be allowed to discontinue the payments till she could re-occupy the land. This request was granted, and a certificate to that effect was given by the landdrost. When Colonel Graham recovered that part of the colony from the Caffers, the widow, of course, expected to be reinstated in the farm which had been so long possessed by her, and for which, notwithstanding her non-residence, she had for a number of years continued to pay the Government rent. Finding herself obstructed by the local authorities, a memorial of her claims was transmitted to the Governor; who, according to custom, returned it to the Board of Landdrost and Heemraden for report. The landdrost of Uitenhage, however, said he would take care that the farm should never be possessed again by a person of the name of Routenbach; and immediately had it inspected and surveyed for one Peter Fourie, from whose father-in-law he had, about that time, purchased the farm of Thorn Kraal for 3000 rix-dollars—about one-third of its real value. The widow Routenbach was never even informed that an answer had been sent from the Colonial Office to her memorial.

In the same district, Bernardus Rens, being out of favour with his landdrost, received a decided negative to every application which he made to Sir Rufane Donkin for a grant of land; while Sir Rufane was at the same time profusely granting lands to other inhabitants of the district, with far inferior claims, and some of whom had previously obtained large grants from Government. But, then, these latter were in favour with the landdrost, and had his good word to back their applications.

In Albany, in the same way, whoever lost the favour of Mr. Rivers lost all chance of ever getting a grant of land, whatever in other respects might be his claims. It was well indeed if those who had already got grants, or promises of land, could make possession good, without the special grace of this favoured satellite of Lord Charles Somerset. Mr. White, a Lieutenant on half-pay, and one of the most intelligent and active of the settlers, having been employed by Sir Rufane Donkin in the military survey of the district, received a written promise from him for a grant of land. This pledge, however, Lord Charles, for reasons best known to himself,



refused to redeem. Mr. White had the boldness to insist upon his claim. The result was that he was treated with contempt and contumely, until he at length left the colony in disgust. The claims of many other meritorious settlers, upon similar pledges, were treated by Mr. Rivers and his ungracious patron with equal contempt. Even Major Pigot, who carried out to the colony a party of twenty families, and expended a large sum of money on his small allotment, has been, for four or five years, fruitlessly soliciting the Colonial Government for a moderate grant of land in addition to it. But the Major is, for divers reasons, no favourite with the Somerset dynasty. He is, moreover, a blunt, independent, straight-forward man, and went quite the wrong way to work in preferring his claims.

On the other hand, the functionaries and favourites of the Colonial Government on the frontier, have, during the very same period, been receiving grants of land with wonderful facility, and in unbounded profusion. Of the following persons not one had any real claims to such grants on account of *public* services: Captain Trappes (formerly provisional magistrate in Albany, subsequently promoted to be landdrost of Worcester) obtained grants of two valuable farms, besides *erven* (or freeholds) in the villages of Bathurst and Graham's Town. Captain (now Colonel) Somerset obtained the grant of a large and valuable portion of the *town lands* of Graham's Town, to the great and irremediable prejudice of the inhabitants. Mr. Rivers, late landdrost of Albany, was granted a valuable farm, besides two *erven* in Graham's Town. Lieutenant-Colonel Scott was granted part of the town lands of Graham's Town. Mr. George Dyason (a most useful person to Mr. Rivers and Colonel Somerset) was granted part of the town lands of Graham's Town. Mr. Goodwin (who is father-in-law of Cornet Heathcote, who is brother-in-law of Colonel Somerset) was granted part of the town lands of Graham's Town. Mr. Le Seueur, District-Secretary, was granted part of the town lands of Graham's Town. Alexander Macdonald, formerly a serjeant in a Scotch regiment, latterly a store-keeper for the Somerset establishment, (in which latter capacity he has, with the usual dexterity of his countrymen, contrived to realize a snug competency,) has, besides several *erven* in Graham's Town, recently obtained a large and valuable farm of several thousand acres, in what is called the "Ceded Territory," with no earthly claim to such a favour except the patronage of Colonel Somerset, to whom he had been privately useful. Many others, far less respectable than Macdonald—many, indeed, of the offscourings of the frontier districts, have, by similar means, been equally successful. But the extraordinary treatment of the British settlers, and the extravagant distribution of the "Ceded Territory," (still proceeding at the moment I am writing this,) are topics far too curious and complicated to be discussed in the present section. They will form the subject of a separate article.

Colonel Cuyler, the landdrost of Uitenhage, now possesses an estate of more than *thirty thousand acres* in extent. The whole of this immense territory (with the exception only of one farm) has been acquired by frequent grants from Government. Exclusive of this, he has, moreover, disposed of lands obtained by him from Government, either by sale for money, or by advantageously exchanging them for other farms more commodiously situated; always taking good care in these transactions not by any means to impair the value of his princely property. The following case will show what advantages a landdrost possesses, and what dexterous arts he may with impunity practice in "driving a bargain" with such "loyal and submissive" subjects as the present race of African boors:

About the time that Colonel Collins was commissioner on the frontier, the landdrost of Uitenhage wished to obtain possession of a place belonging to one Martinus Oosthuyzen. He offered to purchase it from him; but found that Oosthuyzen was unwilling to part with it. It happened, however, that Colonel Collins had granted a farm called *Kleine Rivier* to the landdrost of Uitenhage, of which one Stephanus Ferreira claimed a prior promise. On Ferreira representing this circumstance to the landdrost, the latter said to him: "If you can manage to get me Oosthuyzen's farm, you shall have the farm in question." Ferreira wished much to obtain the farm he had applied for, as it adjoined another already in his possession, and he exerted himself with much zeal to accomplish the landdrost's views, and consequently his own. The following literal translation of a letter, written by Oosthuyzen to the landdrost, will tell the rest of the story:

*"To Landdrost Cuyler, Uitenhage."*

"HONOURED SIR,—I, your obedient servant, come to you with an humble supplication, hoping that you will listen to it, and endeavour to relieve me. You, Sir, came to me and asked me to exchange my farm (*Brak-Fonteyn*) for the farm where *Stuurman* lived.\* I should not have declined doing so, had it been safe to go and live there; but, Sir, you well know the disasters, adversities, and losses that I have sustained on this open place. I, however, always obeyed your orders, and did not leave the place uninhabited, though the *Caffers* constantly took away from the little that I had.

"But, Sir, who would not then be afraid to go and live on a farm which is so much covered with bushes as the place of *Stuurman*?

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\* *Klaas Stuurman*, the Hottentot champion, is celebrated by Barrow. He obtained from General Jansens the grant of this tract of land in the Uitenhage district for the maintenance of himself and followers. After his death, his brother succeeded him in this possession, but was at length arrested by Colonel Cuyler, in consequence of his resisting the oppression of a *Veld-Cornet*; sent a prisoner to *Robben Island*; his followers dispossessed of the land, and placed in servitude among the boors;—and Cuyler obtained a grant of the place from Government.

I am now old, lame, and almost blind, and without strength. My head might be broken there without any body knowing any thing about it.

“Sir, you came to me a second time, and spoke on the same subject. I did not know what reply to make, for it went to my heart. Then, Sir, you said that I should be obliged to give up the place for nothing; as no doubt you have the power to make me do. Thereupon came Stephanus Ferreira, who also knew the matter. He spoke to me, and assured me that I should get nothing for it. At length he offered me five thousand guilders. [125*l.* sterling.] Whereupon, through fear that I should get nothing for the farm, I agreed to the bargain. It is only half the value of the place. I could not get another place upon which I could live for that price.

“But I remain in the confidence that you will act as a father towards me; and not allow me, with my wife and children, to wander about like a flock of sheep.

“I am, honoured Sir, your truly humble and obedient servant,  
(Signed) “M. OOSTHUYZEN.”

This letter was never replied to. Ferreira purchased the farm; transferred it to Cuyler; and got Stuurman's place in exchange. The landdrost afterwards sold poor Oosthuyzen's place for 15,000 guilders!

I shall now give one or two examples of the apathy or displeasure with which any complaints from the inhabitants against the landdrosts of country districts are received by the Colonial Government.

In the year 1818, the Veld-Commandant, Muller, forwarded the following memorial to the Governor:

“To his Excellency the Right Hon. General Lord Charles Henry Somerset, &c. &c. &c.

“The memorial of S. Muller, on the part of the burghers of the district of Uitenhage, humbly sheweth,

“That the treatment which the inhabitants of this district have, for a number of years, experienced from their landdrost, Lieut.-Col. Cuyler, is inconsistent with the benevolent and paternal intentions which distinguish this Government; and that, during the late invasion of the Caffers, it has attained to a degree most painful for your Excellency's memorialists: That the burghers have been exposed in the most arbitrary manner to dishonourable punishments and menaces; and that Lieut.-Col. Cuyler has even found means to insult the feelings of the inhabitants, by turning the public calamity and the misfortune of individuals to his own private interest.

“Your Excellency's memorialists, convinced that their general conduct has evinced their attachment to Government, and made them worthy of the trust of your Excellency, most humbly request that your Excellency may be pleased to inquire into the complaints which the memorialists have taken the liberty to specify in the annexed statement.—And your memorialists will ever pray,” &c.

The statement referred to, contained a number of very serious charges against the landdrost; but not the slightest notice was ever taken of them by the Colonial Government, nor any answer whatever returned to the memorial.

The case of Mr. Huntly, a lieutenant on half-pay, residing in the village of Uitenhage, is a still more striking illustration of our colonial system. This gentleman had occasion to complain to Sir Rufane Donkin, as acting Governor of the colony, of the unlawful and oppressive conduct of the landdrost of Uitenhage; and received for reply, that his Excellency had given directions to inquire into the case, and if the allegations contained in his letter proved correct, he should have redress. A few weeks afterwards, (without being called upon to *prove* his assertions,) the complainant, to his great surprise, received a letter from the Colonial Secretary, stating, that an investigation had taken place on the several heads of complaint stated in his letter, and that the result had, in the opinion of his Excellency, completely disproved his allegations; and directing him, therefore, to make a proper submission and apology to the landdrost. Mr. Huntly, who is a man of spirit and ability, replied, that he could not conceive an investigation had taken place, when he had not been called upon to substantiate his charges, and therefore declined making any submission. After some time, he had a personal interview with Sir Rufane Donkin, in which he maintained the propriety of his conduct, and the justice of his complaints, to the apparent satisfaction of the acting Governor; but scarcely a fortnight afterwards he received a communication, in which he was refused a small piece of land which he had applied for, on the ground of "the impropriety of his conduct towards the landdrost of Uitenhage." Upon this he sent in a second memorial, in which he laid open in detail the conduct of the landdrost; accusing him of horsewhipping the inhabitants, &c. &c. The consequence of this was a prosecution for libel; and though the contents of the first letter, and all but one fact (in regard to which a witness prevaricated, and perjured himself) of the allegations of his memorial were clearly proved, yet the Court of Circuit condemned him in a fine of 300 rix dollars, and in upwards of 2000 rix dollars of costs, for that part of which the proof had failed. The defendant had here an opportunity of ascertaining what sort of investigation had taken place. His letter had been referred to the landdrost; and the landdrost had replied to it by a whole string of false assertions and recriminations, which might have been immediately exposed by the defendant, if he had been allowed a perusal of the landdrost's reply. No notice was taken of the charges which had been *proved* against the landdrost. Mr. Huntly afterwards requested that he might be furnished with an authentic copy of the letter written by the landdrost to Government, in order to enter an action against him; but his memorial was not even

replied to. He then made application to the landdrost, as public prosecutor of the district, to enter an action against the man who had perjured himself on the trial; but it did not suit the landdrost to do so; and he therefore never answered any one of three letters that were addressed to him on the subject. But soon afterwards the forsworn witness was brought forward to prosecute Mr. Huntly for defamation on this head. The case was, however, so clear, that the Court of Circuit (well-disposed as it is on all occasions to lean to those in authority) decided it in favour of Huntly, condemned the man in costs, and instructed the landdrost to prosecute him for the perjury. The man, however, had still a resource: he appealed; and Lord Charles Somerset, as judge of the Court of Appeals, reversed the sentence.

Mr. Huntly afterwards obtained an authenticated copy of the landdrost's defamatory letter to Government against him; and attempted to bring him to trial for it, upon the same law of libel by which he had himself, by order of the Governor, been tried and unjustly fined. But the Court of Justice refused to admit the indictment against the magistrate.

Thus may a landdrost falsely accuse and defame to the Government, with impunity, any person against whom he may take a pique; but any inhabitant, however grossly aggrieved by the magistrate, if he ventures to complain of him to his superiors, incurs imminent danger of being indicted for *libel*, and overwhelmed with fines and costs; and if he manifests any spirit of independence, he is marked out as a victim to be crushed one way or other as speedily as possible.

It has, however, sometimes occurred, that when complaints have been preferred to Government of very gross and flagrant breaches of law by the magistrate, the Government, not being able, with any degree of decency, to approve of his acting in direct violation of its own written instructions, has wisely advised the functionary implicated to "hush the matter up." Some of the old Dutch colonial laws are indeed extremely awkward and perplexing to a Government, of which the spirit and practice are so decidedly despotic, as the following extracts from the printed instructions to the landdrosts of country districts will show:

"Act 60th. If from the usual precedent information, he [the landdrost] conceives there is ground for further proceedings, he shall deliver to the Court of Justice an exhibition of the before mentioned information, together with a statement, containing a proper detailed *species facti* and summary qualification of the crime; and shall thereupon request a decree of apprehension, or summons, in person, against the presumed delinquent, according to his just conception of what the nature and penalty of the crime requires.

"*Act 61st.* Without this judicial decree, he may not summon any one in person, *much less apprehend him*, under pain of nullity, and making good the costs and losses occasioned thereby, with such *further correction* as the Court of Justice shall deem necessary."

Notwithstanding these direct and explicit instructions, the landdrost of Uitenhage imprisoned one John Teilin, because he refused to work for him. The same functionary afterwards confined John Carter for a month, in jail, without complying with this article; and Carter having memorialized the Governor on the subject, the landdrost received a letter, advising him to *hush the matter up*, and release the man, as his conduct, in this instance, could not be countenanced.

Magistrates who thus take upon them to act in direct opposition to the established laws, are not likely to be fond of their inferiors becoming too familiar with them. To some such spirit must be ascribed the numerous obstacles which are generally thrown in the way of persons who wish to consult the printed proclamations, which have the force of laws, and copies of which are lodged at the landdrosts' offices (and there alone) for the information of the inhabitants. The landdrost of Uitenhage, on a recent occasion, severely reprehended the district secretary, Mr. Stædel, for allowing John Lotter, a Veld-Cornet, to read a proclamation in his office.

The nomination or appointment of the inferior officers of the district adds not a little to the influence and arbitrary power of the landdrost, as he takes care that none are appointed but such as are likely to obey his commands, without questioning their legality. If a person happens, however, to get into office, who exhibits, after his appointment, any troublesome qualities of this description, a grant of land usually makes him more tractable. But should this fail of the desired effect, the landdrost who recommended his appointment again recommends his dismissal; and it immediately takes place without a reason being assigned; and a more obsequious successor is provided. The following apt illustration of this occurred in the case of the *studious* Veld-Cornet above mentioned.

On the 20th of November, 1821, the landdrost of Uitenhage wrote the following letter to Mr. John Lotter:

"Good Friend,—Mr. Hendrick Langè having resigned the Veld-Cornetcy of this village, and as I consider you as a fit person to fill this situation, I hope you will accept the same till his Excellency's pleasure is made known.—With which I remain, your true friend and landdrost,

(Signed) J. G. CUYLER."

Mr. Lotter was accordingly appointed to the situation; but, having shortly after refused to alter an inquest on a dead body,

according to the directions of the landdrost, but against his own conscience, and having found fault with one of the heemraden for having sent cattle to the pound, without having proper land-marks fixed, according to the Government proclamation, the landdrost addressed the following letter to the Colonial Secretary :

" Sir,—Finding the present Veld-Cornet, Mr. J. G. Lotter, of this village, inadequate to fulfil the duties of the office, I beg it may please his Excellency to approve of Mr. Samuel Kerr acting in that capacity in future.—I have the honour, &c.

(Signed) J. G. CUYLER."

Mr. Lotter was accordingly, without further ceremony or inquiry, superseded. It must also be noticed, that a grant of land had been made to this too knowing and pertinacious functionary, without its having the desired effect.

The landdrost presides at the Board of Landdrost and Heemraden, which forms a court for the trial of petty crimes and pecuniary disputes, where the sum in question does not exceed 300 rix-dollars. (22*l.* 10*s.*) He is also public prosecutor, or attorney-general, in all criminal cases which do not come under the cognizance of his own court. This gives him an opportunity of screening his guilty friends from prosecution, or bringing vexatious actions against persons who are obnoxious to him.

The landdrost causes the criminal sentences to be carried into execution ; and, as agent for the sequestrator, the civil ones also. In the latter capacity, he puts sentences in force against those he dislikes, or neglects to do so against his friends and favourites.

The landdrost of Uitenhage has, upon occasion, proved himself to be a useful friend as well as a bitter enemy. The following instance will show how important is his patronage where he pleases to bestow it: His brother-in-law, John Hlickman, became bankrupt a few years ago, and his securities were obliged to pay 20,000 rix-dollars on his account. As agent for the sequestrator, it was the landdrost's duty to enforce payment of the debts due to the estate. Amongst the debtors, however, were Mrs. Hartman, his mother-in-law, Beneke and Daniel Hartman, his brothers-in-law, and some others of his relatives and friends. Could he be so hard-hearted to his own flesh and blood? No: he absolutely refused, and indeed does to this day refuse, to compel these people to pay their just debts, in order that the securities may recover some part of the money they have been obliged to advance.

As conservator of public order, the landdrost hears all complaints respecting breaches of the peace, and, after having directed the secretary to prosecute the delinquents, he, with his mind naturally prejudiced by the former investigation, presides at the trial.

The landdrost receives the district taxes, and pays the accounts, stating what he has done at the first meeting of his Heemraden ;

when his sapient and submissive coadjutors sign the accounts as correct, without the formality and trouble of examining them.

Many farther powers and privileges, which the landdrost assumes, might be mentioned, but the foregoing are sufficient to show the wretched state a country district must be in, when governed by an individual armed with such unlimited authority, and enjoying the exclusive confidence of a Governor whose will is law. It is dangerous to invest the most virtuous and upright man with such extensive powers; but if they are given to one who is possessed of a weak head, or of a callous, covetous, or malicious disposition, what must be the situation of the inhabitants thus laid prostrate at his mercy?

For performing his various functions, the landdrost receives a yearly salary of 4500 rix-dollars, with a variety of perquisites, the amount of which cannot be fixed without a reference to his private accounts. He has also a good house provided for him by Government, and the use of two farms of 6000 acres each. This seems but a poor remuneration for the performance of such a multiplicity of duties; but my readers must not think that the bounty of the Colonial Government allows these useful functionaries to pine in want upon their penurious salaries. All deficiencies in this respect are (at least to favourites) amply made up by valuable grants of land; and a dip into the district chest, now and then, gives an increase to salary without burthening the colonial treasury. The right which the landdrost assumes of directing Hottentots to be employed at the public works, may also be occasionally turned into a useful source of private emolument.

Though I have not yet quite done with landdrosts, I must stop for the present. The old Pacha of Uitenhage is a rich subject, (in more senses than one,) and his district is peculiarly fertile in affording ready illustrations of our provincial system of misgovernment. He must not expect, however, to carry off all the honour; for some of his compeers have occasionally equalled, if not outstripped his boldest achievements, and their doings shall not pass altogether uncommemorated.

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#### LOCAL IMPRESSIONS.

YES! I have passed an hour of madness—

An hour of such delirious joy,

That not an age of grief and sadness

The fond remembrance can destroy :

'T was holy midnight, calm and still,

The moonbeam slept upon the hill,—

Beneath the shade of the cypress tree,

I couch'd in wild expectancy.

She came all doubting, trembling,—o'er the path she flew,

With lip, and cheek, and bosom—pale as evening dew.



And to my arms she sprung and panted,  
 Quick as the new-caught cushat dove ;  
 And, o'er her as I hung enchanted,  
 I whisper'd—" Fly with me, my love :  
 With me to live, with me to die,  
 In Love's unshackled liberty !"  
 Her bosom rose with hastier swell ;  
 In agony it rose and fell,  
 Like the waves of stormy Ocean,  
 Trembling thus in wild emotion !

" Oh, cease !" she said, " is this thy faith?—could *you* ensnare me?—  
 Not *thus*,—clasp me not *thus*,—oh God ! in pity, spare me !"

Alone she stood,—her tears fast falling,  
 In joy's wild flow, bedew'd the sod,  
 For from a trial so appalling,  
*Spotless* she stood ! I thank my God !  
 There was but *one* cloud in the sky,  
 And it was white as maiden's breast.  
 On the cold moon she raised her eye ;  
 And whilst her soft warm lip I press'd,  
 " Yon solitary cloud," she said,  
 (And as she spoke, my bosom bled,)  
 " Yon snowy cloud, pure though it be,  
 Emblems my fault, my frailty ;

My every act and thought, till this—clandestine meeting given,  
 Were holy, calm, and passionless—and pure as cloudless heaven !"

She speaks not now—again she spoke not,  
 But prone to earth, in death she fell !  
 My heart's throb ceased, but yet it broke not !  
 Without a groan I gazed—a spell  
 Bound every sense, save sight alone,  
 I was a bloodless, tearless stone !  
 The cloud sail'd past the moon, whose ray  
 Fell on her bosom as she lay.

Methought it heaved !—it heaved by heaven !—could Fate such bosoms sever !  
 She rose !—one kiss !—one last embrace !—we parted then for ever !

'T was in this very path I met her—  
 'T was on this very spot we stood—  
 And oh ! if ever I forget her,  
 May every hope of future good,  
 Of bliss hereafter—fortune, fame,  
 And every joy mankind can claim,  
 Fade from my grasp, as shadows flee.  
 May life's dull cup be fill'd by thee,

Thou loved one of my soul ! and let—each deeper draught contain  
 The bitterest dregs of misery—and agonizing pain !

Bombay.

M. E.

## HAZLITT'S JOURNEY THROUGH FRANCE AND ITALY.

A MAN of a powerful and original genius may always write an agreeable book on any subject; for he does not pick up his ideas from the matter in hand, but rather pours out upon it the intellectual riches with which experience and study have stored his mind. If he be a traveller, and pass over beaten roads, he has a mode of seeing peculiar to himself, and often discovers what no one before ever did. For, in looking at the productions of art and nature, the soul has its views invariably tinged by former habitudes and associations, and in recording its impressions is sure to array each new idea exactly in the same livery before worn by the old. In this new dress the idea itself becomes new; or, which is much the same thing, is certain to be mistaken for such. But there is another source of novelty to which a judicious traveller can resort that can never be exhausted,—he may note the deficiencies of a country or people, and say what he did *not* see. Wearied, for example, with the monotonous plain or desert, he may exclaim: “Here were neither forests, nor mountains, nor sweet hollow vales, nor silver cataracts, but a mere continuation of level corn-fields or rich meadows!” In describing manners, Tacitus himself has set the example of having recourse to negatives: “*Fenus agitare*,” says he, speaking of the ancient Germans, “*et in usuras extendere ignotum*.” With the same naïveté a modern traveller among the New Zealanders might observe, “but they have no Stock Exchange or Jew brokers.”

France and Italy are hackneyed, if not exhausted topics. But, even if they were far more common-place than they are, a man of Mr. Hazlitt's ingenuity would certainly contrive to render them a source of novel speculation. For he does not pique himself so much upon exactly describing what he sees, as on minutely analysing the feelings produced in his own mind by being in the presence of certain objects. This is, to be sure, the most infallible way of attaining originality; but it is a bad mode of composing travels. We wish to discover a traveller's opinions, not from an elaborate confession, but from his tone and style of description; and would at any time prefer judging of a statue, a mountain, or a national custom from an exact account, unmingled with a single reflection, than from the most rhetorical inventory imaginable of the emotions of the describer. We desire not to know what he felt, but what *we* should feel in his situation; and his real business is to reflect back upon our minds, like a faithful mirror, the objects he has examined.

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\* ‘Notes of a Journey through France and Italy.’ London: Hunt and Clarke. 1826. 8vo. 416 pp.

But this is not Mr. Hazlitt's creed. He is a sentimental traveller, abounding in exclamations, apostrophes, and reflections; and who philosophizes on every thing, from the ocean to the drop of citron-juice which the barber dropped into his shaving-box. Perhaps this may be the best way to make a popular book, but, in other respects, we disapprove of the method, as inducing endless repetitions, and trains of thinking utterly foreign to the subject.

The reader must not expect, therefore, to find in Mr. Hazlitt's book a picture severely true either of man or nature. A series of first impressions registered in vivid language, reflections suggested by the outward show of things, bold paradoxes, glittering fancies, and poetical exaggeration; these are the materials of his book, and with them he has certainly managed to make it exceedingly amusing. From long established habit he is led to pay to the more or less picturesque appearance of a people greater attention than to their character and sentiments; and, therefore, these 'Notes,' while they convey no true notion of the moral or intellectual character of the French or Italians, yet delineate with much fidelity the figure they make in an historical painting or a landscape. It is, in fact, to be regretted that, knowing how short his stay among them was to be, Mr. Hazlitt should have hazarded any remarks at all on the character of the French. His real forte is description, whether of manners, or nature, or art, and he seems to be beyond his depth when he grasps at those intellectual and moral qualities which make up the national character of a people. It might be pardoned in a sprightly young scholar, just let loose from college, were he to aim a few absurd jests at our old enemies on the other side of the Channel; but for a grave man, like Mr. Hazlitt, to amuse himself with making comparisons between the French people and monkeys or baboons, is a species of trifling which one hardly knows what to call. The eternal abuse of French literature is now growing very stale likewise, especially since it has begun to be suspected that our critics seldom take the trouble to understand what they ridicule. Even in citing what Mr. Hazlitt says is understood to be the finest line in Racine, he cites wrongly, or mistakes some other line, which we never remember to have seen, for the one which is really celebrated. He observes: "The finest line in Racine, that is, in French poetry, is, by common consent, understood to be the following:

' Craignez Dieu, mon cher Abner, et ne craignez que Dieu.'

That is, *Fear God, my dear Abner, and fear only him.* A pious and just exhortation it is true; but, when this is referred to as the highest point of elevation to which their dramatic genius has aspired, though we may not be warranted in condemning their whole region of poetry as a barren waste, we may consider it as very nearly a level plain, and assert, that though *the soil contains mines of useful truths within its bosom, and glitters with the*

*graces of a polished style*, it does not abound in picturesque points of view or romantic interest"! We know not how common consent may have settled the merit of M. Racine's lines, or where it discovered the line in question at all; but, we think, the passage adduced by Despréaux as a specimen of the sublime, has something in it which justifies his taste. It is from the first scene of *Athalie*; in a conference which takes place in the temple of God at Jerusalem, Abner hints to the High Priest that, perhaps, the enraged Queen was then on her way to wreak her vengeance on his aged head, even in the sacred walls of the sanctuary. The venerable old man, though much shaken with years, by no means feels his heart intimidated at the approach of danger, but, with that energy which virtue inspires, replies:

Celui qui met un frein à la fureur des flots,  
Sait aussi des méchants arrêter les complots,  
Soumis avec respect à sa volonté sainte,  
*Je crains Dieu, mon cher Abner, et n'ai point d'autre crainte.*

That is,

He who the fury of the waves can curb,  
Knows also to defeat the wiles of man.  
Submissive to his holy will, my friend,  
*I fear my God, and have no other fear.*

The reader will perceive that the last line of the passage which we have attempted to translate, bears some resemblance to that quoted by Mr. Hazlitt; and, however drowsy such a line might make the gallery of Covent Garden, we believe a more sublime sentiment than it contains never warmed the human breast. But it is not in single lines, however good, that we look for *picturesque points of view or romantic interest*, and, therefore, our traveller might have very well spared his criticism of Racine. From first to last, indeed, Mr. Hazlitt's notions of French literature are the offspring of prejudice; and this is so visible in all his writings that no one now thinks of taking his word upon the subject without a large drawback.

At page 53 of these 'Notes' he asserts, positively, that the French are totally destitute of the faculty of imagination. This dashing way of talking may be very amusing to certain persons, and thought a good joke; but, in our judgment, even a joke should have some verisimilitude. But consider the proposition in a serious light for a moment, and imagine anything more unfounded, if you can. It means that Nature has produced thirty millions of human beings destitute of one principal faculty of the mind; a much more extraordinary thing than if she had created them with one eye or arm. And we are required to believe all this upon the evidence of a hasty traveller, evidently but slightly acquainted with the literature of the country, and unable to converse in its language. On English literature we regard Mr. Hazlitt as

very good authority; but certainly on no other, for it is clear that he has given but little attention to anything out of our own language, if we except, perhaps, the writings of Rousseau, who was in fact a Frenchman, and seems to have possessed some trifling portion of imagination. It would be mere Quixotism to combat Mr. Hazlitt's unfounded assertion by adducing a multitude of proofs that he must have made it in a moment of forgetfulness, when the name of every great French writer was out of his mind; for had he recollected that such persons as Rabelais, Montaigne, Fenelon, Moliere, Montesquieu, &c., have written in French, he would have hesitated to pronounce a nation possessed of such authors—"a people *void* and *bare* of the faculty of imagination." Claude Lorraine, too, and Poussin, were Frenchmen; and we shall presently see how powerfully Mr. Hazlitt can feel and describe the beauties of those noble painters. But to convince the reader, in one or two words, that in robbing the French of a mental faculty our traveller did not mean to deprive them of it for any length of time, we shall cite a short passage in which he attempts to characterize what he afterwards pronounces to be a non-entity: "A Frenchman's imagination, on the contrary, is always at the call of his senses. The former have but to give the hint, and the latter is glad to take it."—page 29.

With very different feelings we accompany him to the Louvre; though, before we enter, we must protest against that grovelling adoration of great despots or great artists, which Mr. Hazlitt seems to affect. It is lawful to admire Napoleon; he was a great man; but we shall never resemble him if we approach him with our mind on all fours. Nor does the path to excellence in the arts ever lie through superstitious reverence of genius—love is founded on equality—we may reverence that which is infinitely above us, but we love it not. At the door of the Louvre, however, Mr. Hazlitt exclaims: "Thou shrine of godlike magnificence, must not my heart fail and my feet stumble as I approach thee? How gladly would I kneel down and kiss thy threshold; and crawl into thy presence like an Eastern slave!" This should have been omitted,

"A man's a man for a' that!"

But, this burst over, we envy our traveller the delight with which he glanced his eye over the animated walls, and recognised the immortal forms which genius has created, and magnificence suspended there, for public gratification. No doubt his pleasure was greatly enhanced by youthful associations; but independently of these, Claude and Titian can administer extreme delight to a lover of the arts. We shall transcribe one very beautiful passage, in which the merits of Poussin and Claude Lorraine are described and contrasted:

"Nothing could be better managed than the way in which they

had blended the Claudes and Poussins alternately together—the ethereal refinement and dazzling brilliancy of the one relieving and giving additional zest to the sombre, grave, massive character of the other. Claude Lorraine pours the spirit of air over all objects, and new-creates them of light and sunshine. In several of his masterpieces which are shown here, the vessels, the trees, the temples and middle distances glimmer between air and solid substance, and seem moulded of a new element in nature. No words can do justice to their softness, their precision, their sparkling effect. But they do not lead the mind out of their own magic circle. They repose on their own beauty; they fascinate with faultless elegance. Poussin's landscapes are more properly pictures of time than of place. They have a fine *moral* perspective, not inferior to Claude's *aërial* one. They carry the imagination back two or four thousand years at least, and bury it in the remote twilight of history. There is an opaqueness and solemnity in his colouring, assimilating with the tone of long-past events; his buildings are stiff with age; his implements of husbandry are such as would belong to the first rude stages of civilization; his harvests are such (as in the 'Ruth and Boaz') as would yield to no modern sickle; his grapes (as in the 'Return from the Promised Land') are a load to modern shoulders; there is a simplicity and undistinguishing breadth in his figures; and over all the hand of time has drawn its veil. Poussin has his faults; but, like all truly great men, there is that in him which is to be found nowhere else; and even the excellences of others would be defects in him. One picture of his, in particular, drew my attention, which I had not seen before. It is an addition to the Louvre, and makes up for many a flaw in it. It is the 'Adam and Eve in Paradise,' and it is all that Mr. Martin's picture of that subject is not. It is a scene of sweetness and seclusion 'to cure all sadness but despair.' There is the freshness of the first dawn of creation, immortal verdure, the luxuriant budding growth of unpruned Nature's gifts, the stillness and the privacy, as if there were only those two beings in the world, made for each other, and with this world of beauty for the scene of their delights. It is a heaven descended upon earth, as if the finger of God had planted the garden with trees and fruits and flowers, and his hand had watered it! One fault only can be found by the critical eye. Perhaps the scene is too flat. If the "verdurous wall of Paradise" had upreared itself behind our first parents, it would have closed them in more completely, and would have given effect to the blue hills that gleam enchantment in the distance. Opposite, "in darkness visible," hangs the famous landscape of the 'Deluge,' by the same master-hand, a leaden weight on the walls, with the ark "*huling*" on the distant flood, the sun labouring, wan and faint, up the sky, and the heavens, "blind with rain," pouring down their total cisterns on the weltering earth. Men and women and different animals are struggling with the wide-

spread desolation; and trees, climbing the sides of rocks, seem patiently awaiting it above. One would think Lord Byron had transcribed his admirable account of the deluge, in his 'Heaven and Earth,' from this noble picture, which is in truth the very poetry of painting."

The following, too, will give pleasure to those who admire painting, whether in colours or words:

"The Rembrandts keep their old places, and are as fine as ever, with their rich enamel, their thick lumps of colour, their startling gloom, and bold execution—their ear-rings, their gold chains, and fur-collars, on which one is disposed to lay furtive hands, so much have they the look of wealth and substantial use! The Vandykes are more light and airy than ever. There is a whole heap of them; and among the rest that charming portrait of an English lady with a little child, (as fine and true a compliment as was ever paid to the English female character,) sustained by sweetness and dignity, but with a mother's anxious thoughts passing slightly across her serene brow. The 'Cardinal Bentivoglio' (which I remember procuring especial permission to copy, and left untouched, because, after Titian's portraits, there was a want of interest in Vandyke's which I could not get over,) is not there.\* But in the Dutch division, I found Weenix's game, the battle-pieces of Wouvermans, and Ruysdael's sparkling woods and waterfalls, without number. On these (I recollect as if it were yesterday) I used, after a hard day's work, and having tasked my faculties to the utmost, to cast a mingled glance of surprise and pleasure, as the light gleamed upon them through the high casement, and to take leave of them with a *non equidem invidco, miror magis.*"

From the Louvre we make a Neptunian bound to the Alps, to avoid quarrelling with Mr. Hazlitt's querulous nonsensical animadversions on French *monkeyism*; animadversions completely unworthy of a man of so much acuteness and good sense as Mr. Hazlitt undoubtedly is. Our readers will by no means regret this, as instead of impertinent witticisms on one of the greatest of modern nations, we shall extract a very splendid description of the passage of Mont Cenis, together with a short passage, conveying a very lively idea of the terror which books give rise to in the hearts of the Continental despots:

"At midnight we found that we had gone only nine miles in five hours, as we had been climbing a gradual ascent from the time we set out, which was our first essay in mountain scenery, and gave us some idea of the scale of the country we were beginning to traverse. The heat became less insupportable as the noise and darkness subsided; and as the morning dawned, we were

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\* It is at Florence.

anxious to remove that veil of uncertainty and prejudice which the obscurity of night throws over a number of passengers whom accident has huddled together in a stage coach. I think one seldom finds one's-self set down in a party of this kind without a strong feeling of repugnance and distaste, and one seldom quits it at last without some degree of regret. It was the case in the present instance. At daybreak, the pleasant farms, the thatched cottages, and sloping valleys of Savoy attracted our notice, and I was struck with the resemblance to England (to some parts of Devonshire and Somersetshire in particular) a discovery which I imparted to my fellow-travellers with a more lively enthusiasm than it was received."

"We were summoned from our tea and patriotic effusions to attend the *Douane*. It was striking to have to pass and repass the piquets of soldiers stationed as a guard on bridges across narrow mountain-streams that a child might leap over. After some slight dalliance with our great-coat pockets, and significant gestures as if we might or might not have things of value about us that we should not, we proceeded to the Custom-house. I had two trunks. One contained books. When it was unlocked, it was as if the lid of Pandora's box flew open. There could not have been a more sudden start or expression of surprise, had it been filled with cartridge-paper or gunpowder. Books were the corrosive sublimate that eat out despotism and priestcraft—the artillery that battered down castle and dungeon walls—the ferrets that ferreted out abuses—the lynx-eyed guardians that tore off disguises—the scales that weighed right and wrong—the thumping make-weight thrown into the balance that made force and fraud, the sword and the cowl, kick the beam—the dread of knaves, the scoff of fools—the balm and the consolation of the human mind—the salt of the earth—the future rulers of the world! A box full of them was a contempt of the constituted authorities; and the names of mine were taken down with great care and secrecy."

"It was noon as we returned to the inn, and we first caught a full view of the Alps over a plashy meadow, some feathery trees, and the tops of the houses of the village in which we were. It was a magnificent sight, and, in truth, a new sensation. Their summits were bright with snow and with the mid-day sun; they did not seem to stand upon the earth, but to prop the sky; they were at a considerable distance from us, and yet appeared just over our heads. The surprise seemed to take away our breath, and to lift us from our feet. It was drinking the empyrean. As we could not long retain possession of our two places in the interior, I proposed to our guide to exchange them for the cabriolet; and, after some little chaffing and candid representations of the outside passengers of the cold we should have to encounter, we were installed there, to our great satisfaction, and the no less contentment of those whom we suc-



ceeded. Indeed, I had no idea that we should be steeped in these icy valleys at three o'clock in the morning, or I might have hesitated. The view was cheering, the clear air refreshing, and I thought we should set off each morning about seven or eight. But it is part of the *savoir vivre* in France, and one of the methods of adding to the *agrémens* of travelling, to set out three hours before daybreak in the depth of winter, and to stop two hours about noon, in order to arrive early in the evening. With all the disadvantages of preposterous hours, and of intense cold pouring into the cabriolet like water the two first mornings, I cannot say that I repented of my bargain. We had come a thousand miles to see the Alps for one thing, and we *did* see them in perfection, which we could not have done inside. The ascent, for some way, was striking and full of novelty; but on turning a corner of the road we entered upon a narrow defile or rocky ledge, overlooking a steep valley under our feet, with a headlong turbid stream dashing down it, and spreading itself out into a more tranquil river below, a dark wood of innumerable pine-trees, covering the side of the valley opposite, with broken crags, morasses, and green plots of cultivated ground, orchards, and quiet homesteads, on which the sun glanced its farewell rays through the openings of the mountains. On our left, a precipice of dark brown rocks of various shapes rose abruptly at our side, or hung threatening over the road, into which some of their huge fragments, loosened by the winter's flaw, had fallen, and which men and mules were employed in removing—(the thundering crash had hardly yet subsided, as you looked up and saw the fleecy clouds sailing among the shattered cliffs, while another giant-mass seemed ready to quit its station in the sky)—and as the road wound along to the other extremity of this noble pass, between the beetling rocks and dark sloping pine-forests, frowning defiance at each other, you caught the azure sky, the snowy ridges of the mountains, and the peaked tops of the Grand Chartreuse, waving to the right in solitary state and air-clad brightness.—It was a scene dazzling, enchanting, and that stamped the long-cherished dreams of the imagination upon the senses. Between those four crystal peaks stood the ancient monastery of that name, hid from the sight, revealed to thought, halfway between earth and heaven, enshrined in its cerulean atmosphere, lifting the soul to its native home, and purifying it from mortal grossness. I cannot wonder at the pilgrimages that are made to it, its calm repose, its vows monastic. Life must there seem a noiseless dream;—Death a near translation to the skies! Winter was even an advantage to this scene. The black forests, the dark sides of the rocks, gave additional and inconceivable brightness to the glittering summits of the lofty mountains, and received a deeper tone and a more solemn gloom from them; while in the open spaces the unvaried sheets of snow fatigue the eye, which requires the contrast of the green tints or luxuriant foliage of summer or of spring. This was more particularly per-

ceptible as the day closed, when the golden sunset streamed in vain over frozen valleys, that imbibed no richness from it, and repelled its smile from their polished marble surface. But in the more gloomy and desert regions, the difference is less remarkable between summer and winter, except in the beginning of spring, when the summits of the hoary rocks are covered with snow, and the clefts in their sides are filled with fragrant shrubs and flowers. I hope to see this miracle when I return."

"The coach shortly after overtook us. We descended a long and steep declivity, with the highest point of Mount Cenis on our left, and a lake to the right, like a landing-place for gcese. Between the two was a low, white monastery, and the barrier where we had our passports inspected, and then went forward with only two stout horses and one rider. The snow on this side of the mountain was nearly gone. I supposed myself for some time nearly on level ground, till we came in view of several black chasms or steep ravines in the side of the mountain facing us, with water oozing from it, and saw through some *galleries*, that is, massy stone-pillars knit together by thick rails of strong timber, guarding the road-side, a perpendicular precipice below, and other galleries beyond, diminished in a fairy perspective, and descending "with cautious haste and giddy cunning," and with innumerable windings and re-duplications to an interminable depth and distance from the height where we were. The men and horses with carts, that were labouring up the path in the hollow below, showed like crows or flies. The road we had to pass was often immediately under that we were passing, and cut from the side of what was all but a precipice out of the solid rock by the broad, firm master-hand that traced and executed this mighty work. The share that art has in the scene is as appalling as the scene itself—the strong security against danger as sublime as the danger itself. Near the turning of one of the first galleries is a beautiful waterfall, which at this time was frozen into a sheet of green pendant ice—a magical transformation. Long after we continued to descend, now faster and now slower, and came at length to a small village at the bottom of a sweeping line of road, where the houses seemed like dove-cotes with the mountain's back reared like a wall behind them, and which I thought the termination of our journey. But here the wonder and the greatness began: for, advancing through a grove of slender trees to another point of the road, we caught a new view of the lofty mountain to our left. It stood in front of us, with its head in the skies, covered with snow, and its bare sides stretching far away into a valley that yawned at its feet, and over which we seemed suspended in mid air. The height, the magnitude, the immoveableness of the objects, the wild contrast, the deep tones, the dance and play of the landscape from the change of our direction and the interposition of other striking objects, the continued recurrence of the same huge masses, like giants following us with unseen strides, stunned the sense like a

blow, and yet gave the imagination strength to contend with a force that mocked it. Here immeasurable columns of reddish granite shelved from the mountain's sides; here they were covered and stained with furze and other shrubs; here a chalky cliff showed a fir-grove climbing its tall sides, and that itself looked at a distance like a huge, branching pine-tree; beyond was a dark, projecting knoll, or hilly promontory, that threatened to bound the perspective; but, on drawing nearer to it, the cloudy vapour that shrouded it (as it were) retired, and opened another vista beyond, that, in its own unfathomed depth, and in the gradual obscurity of twilight, resembled the uncertain gloom of the back-ground of some fine picture. At the bottom of this valley crept a sluggish stream, and a monastery or low castle stood upon its banks. The effect was altogether grander than I had any conception of. It was not the idea of height or elevation that was obtruded upon the mind and staggered it, but we seemed to be descending into the bowels of the earth—its foundations seemed to be laid bare to the centre; and abyss after abyss, a vast, shadowy, interminable space, opened to receive us. We saw the building-up and frame-work of the world—its limbs, its ponderous masses, and mighty proportions, raised stage upon stage, and we might be said to have passed into an unknown sphere, and beyond mortal limits. As we rode down our winding, circuitous path, our baggage (which had been taken off) moved on before us; a grey horse that had got loose from the stable followed it, and as we whirled round the different turnings in this rapid, mechanical flight, at the same rate and the same distance from each other, there seemed something like witchcraft in the scene and in our progress through it. The moon had risen, and threw its gleams across the fading twilight; the snowy tops of the mountains were blended with the clouds and stars; their sides were shrouded in mysterious gloom, and it was not till we entered Susa, with its fine old draw-bridge and castellated walls, that we found ourselves on *terra firma*, or breathed common air again."

These passages are followed by others almost equally interesting on the continuation of the route after their descent into Italy; but on a subject so frequently treated, there can be no need of many extracts, as little novelty can be possibly attained. We may observe in this place, that Mr. Hazlitt is somewhat better pleased with Italy than with France. Having crossed the Alps, he abates something of that peevishness which soured his disposition in the "land of mirth and social ease;" and therefore we may expect that, as far as his opportunities allowed, he has described the Italians correctly. But perhaps it was less his object to see "many towns," and "change of manners," than to revel in the beauties of painting so abundantly spread before the traveller in the galleries of Italy. In criticising this branch of art, Mr. Hazlitt has all that fulness and fluency which practice and extensive knowledge generally bestow; he seems to have carefully examined the principal productions of every

school ; to be familiar with the best pieces of the best masters ; and, which is more than all, he possesses the power of embodying his conceptions of a picture in language as brilliant as the painter's colours. With all this, however, he is often affected and coarse in his descriptions, condescending to use, in passionate criticisms on loveliness and beauty, terms which could hardly suggest themselves on any occasion to an elegant mind. He compares the rising bosom of Raphael's Fornarina to dough in a baker's oven ; and this delicious simile seems to have risen to his fancy from the knowledge that Fornarina's father was a baker. But having once made the discovery that a lady's skin is something very much like dough, he is careful to make the most of the resemblance ; for observing at Rome some very pretty peasant-girls from the neighbouring villages, and wishing to render their beauty as palpable as possible to the reader's fancy, he says : " They are universally admired at Rome. *The English women* that you see, though pretty, are *pieces of dough* to them." Heaven help us on this side the Alps with our tramontane pieces of dough !

Being in Italy—in Florence—Mr. Hazlitt could scarcely avoid giving his opinion of the Medicean Venus ; but he had better have omitted it. The " statue that enchants the world " would have gone on performing its office without his praise, and will still do so in spite of his censure. His critique is full of contradiction. While he seems to be struggling to say something very original on so ancient a subject, his ideas grow confused, he entangles himself with opposite desires, he says and unsays the same thing, and ends with giving us no notion whatever of the statue. We could not at first conceive how this should have happened to so passionate a lover of the arts ; but, on looking back a little in the volume, we discovered a reason that was perfectly satisfactory—Mr. Hazlitt does not admire sculpture at all ; a truth which may be legitimately inferred from his own account of his feelings, p. 144 : " Statuary does not affect me like painting. I am not, I allow, a fair judge, having paid a great deal more attention to the one than to the other. . . . One reason why I prefer painting to sculpture is, that painting is more like Nature. It gives one entire and satisfactory views of an object at a particular moment of time, which sculpture never does. . . . A picture wants solidity, a statue wants colour. But we see the want of colour as a palpably glaring defect, and we do not see the want of solidity, the effects of which to the spectator are supplied by light and shadow. . . . A fine picture resembles a real living man ; the finest statue in the world can only resemble a man turned to stone. The one is an image, the other a cold abstraction of Nature. It leaves out half the visible impression. There is, therefore, something a little shocking and repulsive in this art to the common eye that requires habit and study to reconcile us completely to it, or to make it an object of enthusiastic devotion. It does not amalgamate kindly and at once with our previous percep-

tions and associations." Let this be Mr. Hazlitt's apology for what he has written of the *Venus de Medici*.

We shall conclude our notice with the following description of the ruins and waterfall of Tivoli:

"Before leaving Rome, we went to Tivoli, of which so much has been said. The morning was bright and cloudless; but a thick mist rose from the low, rank, marshy grounds of the Campagna, and enveloped a number of curious objects to the right and left, till we approached the sulphurous stream of Solfatara, which we could distinguish at some distance by its noise and smell, and which crossing the road like a blue ugly snake, infects the air in its hasty progress to the sea. The bituminous lake from which it springs is about a mile distant, and has the remains of an ancient temple on its borders. Farther on is a round brick tower, the tomb of the Plautian family, and Adrian's villa glimmers with its vernal groves and nodding arches to the right."

"Tivoli is an enchanting—a fairy spot. Its rocks, its grottoes, its temples, its waterfalls, and the rainbows reflected on them, answer to the description, and make a perfect play upon the imagination. Every object is light and fanciful, yet steeped in classic recollections. The whole is a fine net-work—a rare assemblage of intricate and high-wrought beauties. To do justice to the scene would require the pen of Mr. Moore, minute and striking as it is, sportive yet romantic, displaying all the fascinations of sense, and unfolding the mysteries of sentiment,

'Where all is strength below, and all above is grace,'—

glittering like a sunbeam on the Sybil's Temple at top, or darting on a rapid antithesis to the dark grotto of the God beneath, loading the prismatic spray with epithets, linking the meeting beauties on each side the abrupt yawning chasm by an alliteration, painting the flowers, pointing the rocks, passing the narrow bridge on a dubious metaphor, and blending the natural and artificial, the modern and the antique, the simple and the quaint, the glimmer and the gloom, in an exquisite profusion of fluttering conceits. He would be able to describe it much better, with its tiny cascades and jagged precipices, than his friend Lord Byron has described the Fall of Terni, who makes it, without any reason, that I can find, tortuous, dark, and boiling like a witch's cauldron. On the contrary, it is simple and majestic in its character, a clear mountain-stream that pours an uninterrupted, lengthened sheet of water over a precipice of eight hundred feet in perpendicular descent, and gracefully winding its way to the channel beyond, while on one side the stained rock rises bare and stately the whole height, and on the other, the gradual green woods ascend, moistened by the ceaseless spray, and lulled by the roar of the waterfall, as the ear enjoys the sound of the famous poet's verse."

COMMERCE BETWEEN RUSSIA AND PERSIA—PROPOSED UNION  
OF THE BLACK SEA WITH THE ATLANTIC.

In our last Number (p. 205-6) we gave some curious extracts from a Petersburg Journal, on the subject of the Commerce of Persia, and more especially of that large portion of it which passes through the provinces of Russia beyond the Caucasus. The extent of this trade is calculated greatly to surprise those who are not aware of the measures pursued by the late Emperor with the view of rendering that portion of his dominions the emporium of Western Asia. It is indeed far from being generally known that, in furtherance of this great object, the most complete freedom of commerce was guaranteed to these countries by an imperial ukase, bearing date so long ago as the 8th of October, 1821, and granting considerable facilities to such foreign merchants as might be disposed to avail themselves of its provisions. For this important privilege, it is stated that the Georgian provinces were principally indebted to the Chevalier Gamba, who filled the station of French consul at Teflis, and by whose representations General Yermolof, the governor, who is represented as a spirited and enlightened officer, was prevailed upon to lay the subject before the Emperor. The latter, whom we believe to have been as sincere in his wishes to ameliorate the physical condition of his own subjects, as in his dread of political innovation for the benefit of those of his allies, could not fail to appreciate a proposition, the probable result of which would be the restoration, in some degree, of the ancient route of eastern commerce, as it existed under the Byzantine Emperors; and the ukase was immediately granted.

Of the degree and extent in which the privileges thus conferred have been exercised, it is singular that we should know so little. It will have been seen, from the very imperfect sketch of the Petersburg journalist above noticed, that the amount of the trade carried on by the Armenians between Teflis, Ghilan, and Tabriz, is estimated at 1,600,000 rubles: \* and the following is the substance of a communication to the '*Annales de l'Industrie*' with regard to the manner in which Europeans have begun to avail themselves of the advantages held out to them.

Our countrymen appear to have been the first to make use of

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\* On referring to the Appendix to the Report of the Select Committee of the House of Lords on Foreign Trade, in 1821, we find the whole amount of goods imported into Teflis in 1819, the last year for which the accounts could be obtained, stated at 471,261 rubles, and that of exports at 28,954. On this sum the duties collected amounted to 67,416 rubles. This estimate, of course, comprehends the entire province as well as its capital.

the new market which was thus thrown open ; but no great degree of spirit was, in the first instance, manifested by the adventurers. So early as the first of January 1822, Mr. Alwood, of Odessa, (we give the English names according to the French orthography,) freighted for Redouté-Kalé, a small vessel of seventy tons burthen, drawing only four feet water, which entered the Copi on the 20th of the same month. The cargo consisted of coffee, sugars, and rum ; to which were added plain and coloured cottons, woollen cloths, and metal goods, the refuse of his warehouse. An Englishman and an Italian were employed in the capacity of supercargoes, one of whom opened a shop in the bazar at Redouté-Kalé, while the other proceeded to establish a warehouse in Teflis. This first adventure, most of the articles composing which were sold at a high rate of profit, was speedily followed by two others ; but in these the assortment of goods had been ordered with such want of intelligence, that they were found quite unsuitable to the country. Mr. Alwood subsequently removed the head of his establishment at Teflis, and appointed in his place a young Frenchman, who, at the period when this communication was written, had just arrived at Redouté-Kalé with a cargo, to all appearance, well adapted to the market, consisting of loaf-sugar, a small quantity of coffee and of rum, creaming champagne, woollen cloths, coloured cottons, &c. This was to be followed up in a few weeks by another cargo, of the composition of which the writer was ignorant.

Another English house at Odessa, that of Mr. Moberly, has also transmitted a cargo of loaf-sugar, the profitable sale of which will no doubt induce him to prosecute the trade in that article—a trade which, according to the *Journal* from which we quote, might become exclusively vested in the French merchants, if the shipments were made directly from Marseilles, and the sugars were all in small loaves, and equal in fineness to those of Hamburg. It is further stated, that if sugars could be imported into Odessa at a moderate price, a very considerable export of that article would be required to meet the demands of the Persian market. Another Englishman, of the name of Frager, who made a stay of several weeks at Teflis in the course of last September, and who came from India by way of Twer, is also spoken of as being attached to a commercial house of great weight. In the meanwhile, a M. de l'Ecluse, who had previously made several adventures to Taganrog, fitted out a vessel for the coast of Circassia ; but finding no market in that quarter, either for sale or purchase, he proceeded to Redouté-Kalé, in order to transport his goods to Teflis, where it was said to be his intention to establish extensive commercial relations with Holland. This circumstance is regarded by the French editor as an additional reason for calling upon his countrymen to take the lead in the formation of establishments in Georgia, and to profit by the advantages which they possess in the relatively greater proximity of

their Mediterranean ports; in the high opinion entertained by the Persians and the nations of Upper Asia of the products of French industry; in the facility with which the outward cargoes might be assorted for the Asiatic market; and lastly, in the certainty of turning to the best advantage the goods which would be imported in return, such as silks, kids' wool, cachemeres, &c.

The attention of our continental neighbours appears to have been awakened to this subject by the return of the Chevalier Gamba (whom we have before mentioned as a leading instrument in the commercial emancipation of Georgia) to Paris, where he has exerted himself with much zeal and perseverance to impress upon the Ministry and the mercantile community the value of the trade which he has been the means of opening to their enterprise. In the prosecution of this object, he has, of course, met with considerable difficulties, the disfavour which naturally attaches, in a greater or less degree, to every new speculation, being, in the present instance, greatly enhanced by the almost total ignorance that prevails on the subject of the countries in which the proposed commerce is to be carried on. With the view of obviating this objection, M. Gamba has already published a translation of the Russian Official Map of the Provinces beyond the Caucasus, as laid down by the command of that Government in 1819, and has also announced for speedy publication, in two octavo volumes, a complete and detailed description of those countries, as far as the interests of commerce are concerned. This work, in the opinion of the Baron de Férussac, (to whom we are indebted for a brief notice of this interesting topic in the '*Bulletin des Sciences Géographiques*,') cannot fail forcibly to attract the attention of mercantile men, and even of the Governments of Europe, more particularly at a period when the wretched condition of the Levant, and the deterioration of the Turkish piastre, have almost annihilated commerce in that quarter.

But there is another proposition which M. de Férussac has connected with this, and which, however dazzling at first sight, we cannot regard with so favourable an eye as that of this distinguished savant. The proposition to which we allude involves no less than the gigantic project of connecting the Atlantic and the Black Sea by inland navigation across the centre of the entire continent of Europe, a navigation of not less than 2000 miles in length, and passing successively through the territories of France, Baden, Wurtemberg, Bavaria, Austria, and Turkey. It is true that the execution of such a plan, the mere rendering this communication navigable throughout its whole extent, would require no very extraordinary exertion of talent or expenditure of capital. The canal which is to unite the waters of the Seine with those of the Rhine is already proceeding with great activity, and a communication between the latter river and the Danube might doubtless be effected, as M. de Férussac anticipates, in the course of a very few years;



thus completing the junction of the two seas by a navigable passage. Such a passage would, in its several parts, unquestionably offer great facilities for inland navigation, and be the medium of a very considerable traffic ; but we doubt whether it would be found advantageous for the transmission of merchandize from one extremity to the other. Independently of its great extent, and the length of time which must consequently be consumed in traversing so tedious a route, any one who will glance his eye along the map will perceive the great number of custom-houses through which such merchandize would have to pass, and the necessary, not to speak of the vexatious, delays to which it would thus be constantly subjected. It is not the best mode for any one country to avail itself of the benefits of an unrestricted commerce in another, to transmit the goods destined for its market through a course which must render them liable, before reaching their destination, to the scale of duties, light or heavy, simple or complicated, which may exist in half a dozen intervening countries. What might be their fate in descending the extreme portion of the Danube, through those unsettled provinces which enjoy the double benefits of Turkish supremacy and Russian protection (even supposing that they should have passed safe and undiminished through the hands of the myriads of custom-house officers, with whom, as every traveller in that country knows to his cost, Germany swarms) is also a question which ought to be satisfactorily answered before such a project is spoken of in the glowing terms in which it is depicted by the worthy Baron.

It might farther be asked, what security we have for the continuance of peace, without which it is obvious that this route, which is to exercise the most powerful " influence on the nature and extent of the commerce of Europe, on its politics, on its future relations with Asia, and finally on the very existence of this most magnificent division of the world," could not possibly be kept open? M. de Férussac indeed considers the formation of the proposed canal as a strong incentive to the preservation of peace, inasmuch as the numerous classes of inhabitants who would profit by the traffic carried on, would become by that means deeply interested in the maintenance of general tranquillity. But this argument presupposes that governments are uniformly guided in their decisions by a consideration for the interests of the subject many. To attempt seriously to refute such a proposition in this country, would indeed be sufficiently absurd ; on the continent, it would be too preposterous to be listened to with any command of countenance.

It will be seen that the principal difficulties to be anticipated are those which arise from the evil passions and propensities of man ; but even supposing that every obstacle dependent on his will or caprice could, by some sudden and magical change in his nature, be surmounted and overcome, it would still be absolutely necessary

to establish entrepôts at each extremity of the passage; the small vessels of the canal being clearly incapable of navigating either the Atlantic or the Black Sea. The expenses of this double transshipment at Havre, and at the mouth of the Danube, to those nations which are out of the proposed line, or of the reshipment at the latter point to those even which are contiguous to the navigation, would alone form a very heavy tax upon its commerce. This latter, however, would be a minor consideration, and necessity might even render some of the more capital difficulties which we have above enumerated, tolerable, if there existed no better channel through which the object in view—namely, the prosecution of an extensive commerce between the west of Europe and the coasts of the Black Sea—could be obtained. But surely the Mediterranean affords a far more safe and convenient passage than such a canal, almost in the same proportion as it exceeds it in magnitude. To France, especially, this route offers extraordinary facilities; her excellent ports and her numerous marine giving her an ascendancy in that sea, with which it requires the most powerful exertions on the part of any other state to compete. The navigation of this immense canal, admirably connecting the two extreme points which it is desired to unite, is, moreover, perfectly free and uninterrupted throughout, and equally accessible to the ships of all nations, or at least of all who are capable of overawing the licensed corsairs of Algiers, the miserable pirates of the Levant, and the blood-thirsty tyrants of the Bosphorus. Were the obstacles opposed by these various classes of brigands once removed, a more safe, as well as expeditious route could scarcely be desired; and it would be easy to show that the existence of these obstacles is entirely dependent on the will of the great powers of Europe; who, instead of carefully watching, as M. de Féussac supposes, over the interests of their subjects, are almost incessantly occupied in devising the means of repressing any tendency to improvement in the mass of the population, and in discussing petty points of pique and jealousy among themselves, to the exclusion of those important considerations which exercise the highest influence on the welfare of their states.

There is also another route by which much of the commerce of Upper Asia is at present carried on; and although this is not immediately connected with the trade of the Black Sea, yet it is deserving of mention as in some measure illustrative of the subject. The canals which have within the last few years been executed in Russia have at length, through the medium of the great rivers which intersect that country, opened a free communication between the Baltic and the Caspian; and Astrachan, Nishni, Novgorod, and St. Petersburg, have become the dépôts of a very important and increasing commerce. Some idea may be formed of the trade carried on by this route from the number of vessels of all kinds, employed on this line of canals, which arrived at St. Petersburg in the year

1821, from the opening of the navigation up to the 16th of September. They amounted to no less than \$354; and of these 3367 came from the Wolga. It may also be observed, that the use of steam is duly appreciated and greatly encouraged by the Russian Government.

Under all these circumstances, it appears to be demonstrable that the inland communication proposed by M. de Férussac is neither called for by any want of the means of commercial intercourse between the two extremities of its course, inasmuch as a more ample and far superior channel already exists; nor is it capable of being made effectual to that purpose, inasmuch as its navigation must always depend on the caprices, and be rendered tedious and burthensome by the cupidity, of the several governments through whose dominions it must of necessity pass. With respect to the opening pointed out for the extension of commercial transactions through the unrestricted parts of Georgia, it cannot be doubted that a large field has been opened in that quarter, by the liberal policy there pursued, for the cultivation of a trade, of which time alone, or the altered sentiments of the Russian Government, can fix the limits.

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#### AUTUMN.

WHEN Autumn to the greenwood comes  
And stains with gold the verdant leaf,  
The sweet birds tremble for their homes  
And seats of love, of date so brief.

And, as the plundering winds invade  
With blustering breath each waving bough,  
The sacred forest's solemn shade  
Shrinks, like a phantom, as they blow.

And silver mists, like locust-clouds,  
With frosty teeth devour the green  
Lingering on Summer's tattered shrouds,  
Like gold skies after sunset seen.

And in the forest's haunts remote  
Some lone bard stores his moral brain  
With images of change, and note  
Of all the wrecks of Summer's reign;

Mourning the linnet's citadel  
Razed from the sheltering branch on high,  
As wizard winds around foretel  
Her grave by Winter delving nigh;

Or watching, as we watch a friend  
Departing from us o'er the sea,  
Behind the hills the day descend  
By dull clouds skirted sordidly;

Then 'scaping from the gloomy night  
To the warm cottage rising near,  
And musing, by the taper bright,  
On all we owe the changeful year.

BION.

RELIEF FOR THE DISTRESS OF IRELAND—EMIGRATION—  
CORN LAWS—AND COLONIZATION OF CANADA.

THE Report of the Parliamentary Committee on Emigration, which has recently been published, has given rise to much discussion in the public prints of the day, on the practicability of applying this remedy for the distress of the agricultural and manufacturing population of the kingdom generally, and of the starving millions of Ireland especially. Among other articles, marked by great acuteness of perception and commanding powers of reasoning, may be mentioned, those written by the Editor of the 'Globe,' Mr. Coulson, and two letters which appeared in that paper, dated from Paris, under the signature T., and bearing internal evidence of being from the pen of one of the first political economists of the day, the present member for Ipswich, Colonel Torrens. From the extensive circulation of the Paper in which these articles appeared, there are few, of our English readers more especially, for whom it can be necessary to revert to the arguments they contain. The misery of the labouring population, which was assumed in them as a basis, can neither be denied nor even doubted by any one. The means proposed for their relief by an extensive plan of emigration, is as generally admitted to be the best that could be adopted, and the questions of the period, the mode, and the expense of such a measure, are all that appear to form subjects of difference among public men, to whatever party in the state they may belong.

In a former Number of this Journal, (vol. v. p. 613.,) we introduced to its readers a Plan for the Relief of Ireland, from the pen of one of the most benevolent friends of the human race, Mr. James Cropper of Liverpool; and we have now before us a letter written by an English gentleman in India, addressed to the Duke of Devonshire, on the state of Ireland, and the general effects of colonization. The author, Mr. John Wheatley, was already known as a writer on Political Economy, before either Malthus, Ricardo, Say, Mill, Maculloch, or Colonel Torrens, had given their respective works to the world; and Mr. Wheatley having gone to India, in 1822, to practise at the bar of the Supreme Court at Calcutta, his attention was drawn, at a very early period, to the state and condition of the country in which he had taken up his new abode. The result of his thoughts, inquiries, and conclusions on this subject, was given in a letter addressed to Mr. Wynn, the President of the Board of Control, demonstrating, as far as unanswerable argument could do, that the only mode by which the resources of India could be fully developed, and the state of that country advanced to what it ought to be under the auspices of the British Government, was by

permitting at once an *unrestricted system of colonization*. The greater portion of his Letter has been preserved in one of the earliest Numbers of this Work (vol. i. p. 275); but whether it ever drew any answer from the Right honourable President of the India Board, to whom it was personally addressed, and by whom it ought to have been examined as a subject of the highest interest and importance connected with his official duties and station, we have never heard. Mr. Wheatley's first Letter, "On the Colonization of India," was addressed to Mr. Wynn, in June 1823. His second, "On the Present State of Ireland," was addressed to the Duke of Devonshire, at the close of the following year, 1824. From the circumstance of its being printed in Calcutta, and not republished in England, it has obtained no farther publicity here than through the most ungenerous attempts of the '*Asiatic Journal*' to give a distorted view of one portion of its contents relating to India. It will be therefore new to nearly all our English readers; and the present moment is perhaps more favourable for our noticing that portion of the Letter which relates to Emigration as the most effectual means of relieving the distresses of Ireland, than if it had been done at an earlier period when the subject had not yet attracted so large a share of public attention through the Report of the Parliamentary Committee and the comments of the English Press.

The author expresses his conviction that it is quite practicable to raise Ireland to even a *higher* state of prosperity than England; to improve her cultivation to a *greater* degree, make her farmers richer, and her labouring poor better off than those of this country, on which the peasantry of Ireland now look with eyes of envy as their superiors in all the enjoyments that render life desirable. The principal feature of his plan for effecting these beneficial changes, is the introduction of what he would call "the Devonshire system," by consolidating the small farms into large agricultural establishments, and disposing of the present surplus population, which the existing system of small farming tends only to increase and perpetuate, through an extensive plan of emigration to the colonies of England. He foresees the objections that will be raised to the expense of doing this on a great scale (and any thing short of a *complete* relief from redundant population would be unworthy a national effort, and altogether ineffectual as a remedy); but contends that it would be attended with benefits worth purchasing at such a rate, and remove from the community much greater burthens of expense than it would entail. The extinction of the poor rates throughout the kingdom would be the first effect; the removal of the competition between the English and Irish labourer by the annual irruptions of the latter, would be the next; and the equal provision, by emigration, for the surplus population of England itself would be a third; out of all which would arise a state of things admitted by all parties to be desirable, but which can never occur without some extensive

scheme of relief,—namely, such a proportion between the demand and supply of human labour, as to render poor laws unnecessary, and to give to all who are willing to labour the full measure of their reward. The expense of such a system of emigration, conducted upon a scale of grandeur suited to the importance of the object, he estimates at about four millions annually for a period of twenty years only, when the evil would be completely overcome ; in return for which there would be a saving of six millions annually in the extinction of the poor's rates alone, besides a very great reduction in the amount of the annual assessments with which the nation is now burthened. The details and calculations by which he arrives at this conclusion are as follow :

“ By the public returns, the whole population of Ireland, agricultural and manufacturing together, though it is almost all agricultural, amounts to 7,000,000. As there are 21,000,000 of acres, this allows no more than three acres for each individual. The agricultural population of England is four millions, and the number of her acres 33,000,000. This allows eight acres to each individual. To make the agricultural population of Ireland better off than that of England, it is necessary that there should be more acres to each individual than is the case in England, in order that the produce which is to be divided among them may be so much more ; and therefore I will say, that she shall have ten acres to each head of population, instead of eight. The surface of Ireland containing no more than 21,000,000 of acres, her agricultural population, according to this proportion between acres and numbers, cannot consist of more than 2,000,000. I will add another million for the population of the towns. For the purpose therefore of raising Ireland to a higher state of prosperity than England, it will be necessary to reduce her population from 7,000,000 to 3,000,000.

“ To send out a colony of 4,000,000 of people, and establish them in the back settlements of Canada, appears, at first view, and in these times, so extravagant a design, that the mind can with difficulty be brought to entertain it as a serious proposition, notwithstanding that many a colony to a larger amount was sent out by Rome in times of old, and notwithstanding that many a more numerous tribe of Goths and Huns unfortunately spread themselves over the south of Europe during the decline and fall of the Roman empire. But we need not go back to such distant periods. Our own times unhappily afford but too faithful an example of extended emigrations. Before the eloquence of Wilberforce drew forth the tears of Britain for the miseries of Africa, 60,000 negroes were annually transported from the coast of Guinea across the Atlantic.\* But what private wealth effected in a bad cause, public wealth may surely effect in a good one ; and when the subject comes to be more closely inquired into,

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\* See Gibbon, vol. iv. p. 311.

the difficulty of moving so large a proportion of the Irish poor will not appear of so appalling a nature.

“ I will assume, that 200,000 may be sent out every year, till the exportation of the whole four millions be completed, which at this rate will comprise a period of twenty years. The number which Government will have in its pay while the system is in action, will depend on the number of years for which maintenance is to be allowed. Mr. Howison, whose work on this subject is well worthy of being consulted, thinks that it is not necessary to provide maintenance for a settler for more than the first year: but this seems to me to be much too short a period. In the emigration of so large a body of people, the majority must consist of children, as by dividing the whole population of a country into families, each family, on the average, will be found to consist of five—a father, mother, and three children. Though, therefore, it may not be necessary to provide maintenance for an adult beyond the first year, yet this cannot be the case with children; and as the utmost liberality should be manifested by Government in the prosecution of the system, it is better, in calculating the expense, to make provision for as long a maintenance as the state of circumstances can possibly warrant, as it will at least be requisite to give the civil authorities the power of extending the aid of Government, in all cases where a due necessity existed. If provision, then, were made for five years' maintenance instead of one (and beyond this perhaps no one would wish the support of Government to be prolonged,) there can never be more than a million of people in pay at the same time; and great as this number may appear, it is 200,000 less than the number of soldiers and sailors in the pay of Government, at the same time, during the last war. From the abundance and cheapness of Indian corn in Canada, if my information be not incorrect, it is practicable for an individual to purchase a sufficiency for mere sustenance for a penny a day; and it is therefore possible to supply a family, consisting of five persons, with the bare necessities of life for three shillings a week. After the first year, the labour of the family, if not productive enough to provide a competent maintenance, will certainly turn to account; and therefore, if each family received five shillings a week, instead of three, over and above what its labour produced, there can be little doubt that this sum would be sufficient to furnish what additional comforts were required. The whole expense, therefore, for the subsistence of the colony would be 2,625,000*l.* a year. To transport 200,000 people annually from Ireland to America would keep sixty or seventy thousand tons of shipping in constant employment, which, at 7*l.* a ton, will carry up the 2,625,000*l.* to 3,000,000*l.* If another million be added for the support of the various civil establishments for conducting the system, and for the purchase of stores, clothing, and implements of husbandry, in the first instance, the whole expense would be about

four millions a year ; but the first and last five years of the twenty would be considerably less, as the numbers to be maintained would be so much less.

“ I have thus run up the estimate to as high a point as I could, supposing the large farm system to be prosecuted to such an extent as to raise the agricultural population of Ireland to a higher degree of prosperity than that of England. But there may be many who may think that if the population of Ireland were reduced from seven millions to five, making the agricultural population four millions instead of two, and allowing five acres for each individual belonging to the land instead of ten, which is the proportion of almost every nation in Europe, except England, the reduction would be sufficient ; and there may be some also, who may think that no more than one year's provision should be allowed to the settlers instead of five. If the system were conducted on this footing, there would be an annual emigration of only 100,000 persons instead of 200,000, and their maintenance and conveyance would be no more than 500,000*l.* a year instead of 3,000,000*l.* ; and if 500,000*l.* more were allowed for the civil authorities and charge of outfit, the whole expense would be no more than 1,000,000*l.* a year instead of four.

‘ Est quodam prodire tenus, si non datur ultra.’

But unless the system were prosecuted on a sufficient scale to raise the agricultural population of Ireland to an equal prosperity with that of England, the annual emigrations to England would continue, and the poor rates would never become extinct. It therefore appears to be the wisest course to conduct the system on the most liberal and extended plan, till its action ceases of its own accord, by the prosperity it gives rise to—till the wages of labour are advanced sufficiently high in Ireland to induce the labourer to prefer his own homestead and country to all that is proffered him elsewhere.”

On the data of these calculations, much difference of opinion may exist, without such differences at all affecting the great principle contended for. That there is, both in England and in Ireland, a greater number of human beings than, according to the existing system of things, can be furnished with sufficient sustenance, clothing, and shelter, is a fact which no one disputes. There is no actual deficiency of corn, or cloth, or dwellings ; for whoever possesses money may have whatever portion he may desire of either. But the people have only their labour to give in exchange for money ; and therefore when the supply of their labour is greater than the demand for it, they cannot obtain money ; and being destitute of this, the rich holders of the corn, the cloth, and the dwellings, see them houseless, naked, and starving, without offering them any relief, though the warehouses bend under the weight of unconsumed grain, the shops are stocked with unsaleable cloth, and houses



remain untenanted for years in succession ! As long as the system of individual property exists, this unwillingness to part with any portion of what a man may possess (whether he needs it for his own use or not) without having an equivalent in return, will no doubt continue. All that can be divided by tangible bounds, and marked with signs by which it can be identified, will be preserved as property, by some one man, who will suffer no others to partake of its enjoyment, but at the highest price which the state of society around him will enable him to obtain. It is only that which cannot be so divided and identified that men allow each other to enjoy without the jealousy with which they regard individual property. The ocean, beyond certain measurable limits from the shores of the countries seated on its margin, belongs to no one ; though Great Britain at one time most absurdly affected a sovereignty over its trackless and divisionless waters. The air which floats freely over the earth and sea, and which no man can enchain for his own especial and exclusive pleasure, is likewise free to the enjoyment of all. Not that the ocean and the air are without value, and on that account held to be useless as property. Without the one, intercourse between distant nations would become almost impracticable ; without the other, life itself would become extinct. It is only because men *cannot* seize for themselves certain portions of each, and hedge them in as they do certain portions of the earth's surface for fields and gardens, that they permit their fellow-men to enjoy them in common. A bay, a harbour, a creek, or a ferry, are made individual property, often as productive as land. And the atmosphere would be the same, were it possible for the rich to confine and use it to the same productive ends as they do the water and the earth.

But there is no good reason why the surface of the earth should be made individual property, any more than the surface of the ocean, the rain that falls from heaven, the sunshine that dries it up, or the air in which we move and breathe : nor, supposing the land to be divested of all individuality of property, can we imagine any greater degree of inconvenience to be felt by the mass of the people than is now experienced by them from their common participation in the common property of the sea and air. Supposing a perfect form of government to be established, we conceive it would be best that the whole surface of the country, whether in land or water, should belong to the nation, or the state, and that individuals should merely be permitted to rent whatever portion they desired, whether a farm of 100,000 acres, or a garden of one, on such length of lease as would give them an interest in improving, and security in enjoying, the produce of their own labour ; while the rental of the kingdom, at the lowest rate of computation at which it has ever stood, when the property of individuals would of itself furnish a splendid revenue, without inconvenience to any man, without unequal pressure

on particular classes, and sufficient in amount not merely to fulfil all the great duties which a government owes to the people in protection and defence; but sufficient to carry internal improvement to a degree never yet witnessed in any country under the sun. This, however, is not likely to happen soon: and society being at present so constituted, as that one portion may be dying of actual starvation, while another portion has abundance of all it can desire, and a third is in possession of ten times more than it can possibly consume; the question is, since those possessing the surplus (though to them in many cases useless) will not voluntarily give any part of it to those dying of want, without receiving from their starving fellows that which they have not to offer—money; what can be done to place the suffering people, whose labour is not needed in the one country, and who cannot therefore procure food, though it is in abundance, in the best way of obtaining subsistence by their labour in another?

Not only do the untutored feelings of human nature, but those inculcated by religion and education, teach us that it is not desirable to see human beings perishing for want of food. And the general adoption of poor laws, as well as the existence of innumerable public institutions in every part of the kingdom, show that we recognise and attempt to act on the maxim, that when any one class of the community happens to be deficient in the means of subsistence, the classes who are not so deficient should assist their suffering fellows. Supposing, therefore, the plan of removing the surplus part of the population from certain quarters of our great national estate—England and Ireland,—where their labour is not needed, to certain other quarters of the same estate, New Holland and Canada, where their labour is in request, and thus putting them in the way of obtaining food and happiness,—supposing, we say, that this good were to be purchased by a very large cost on the part of those not themselves subject to the distress, it would be a useful application of either individual or national wealth to effect it. But we know that it must be, not a losing, but a gaining speculation: not a costly, but an economical, and even profitable adventure. As it is, the large portion of the community, who are themselves destitute of all means of procuring subsistence, *do* live, and, as long as they exist, must and will live on the wealth and means of others. To some, support is given by the parish rates; to others, by national grants; to others, by voluntary contributions; and the remnant, that may be excluded from all share in either, help themselves by begging, by pilfering, by open outrage, or by nightly plunder, in which course they destroy much more than they consume, and cause this to be the most expensive of all the modes of supplying their wants. This actual maintenance of a vast pauper population goes on, too, in a country, where the earth, being already highly cultivated, and foreign corn excluded, the cost of feeding

even the wretched beings who linger on the public bounty is infinitely greater than a comfortable subsistence would cost in other countries. It is clear, then, that supposing the suffering people to be regarded with no feeling of compassion by their happier fellows, but to be considered as so many wild animals feeding on the produce of the land—it is clear that it must be a saving of expense to remove them to a country where there would be grass for them to eat, at a cheap rate of pasturage, rather than suffer them to continue feeding here at a double or treble cost.

There are only three modes of disposing of a surplus population already in existence: either by furnishing them with labour and food in the country in which they live; by removing them to some other country where their wants may be supplied; or shooting them, to avoid further trouble. Quiet and unresisting starvation is what cannot be expected. Now the first appears to be impracticable at present, because the people are said to have laboured already too much; and there is nothing which capitalists can employ them to make or produce, which offers any hope of profit, or even sale. The last is not an easy matter, supposing all scruples of humanity and justice to be silenced; so that the second remains as the only one which is practicable; and this happens also to be profitable to both parties, agreeable to those about to be removed, since they are to pass from want to plenty, and beneficial to those removing them, since these are also to be relieved from the enormous cost of maintaining a useless and unproductive mass of idle and discontented paupers.

As to the objection which has been raised to this scheme, that if you remove the surplus population now, in a few years more the space left by them will be again filled up, it is something like persuading an individual not to refresh himself by washing his body, or shaving his beard, as the dirt and the hair are sure to come again in a short time after they are removed. Until the measure of the earth is much fuller than it is at present, there will be no need of alarm on that head. If, indeed, any after surplus population could neither be checked in its growth, nor relieved by the same process of emigration, then there might be some colourable pretence for hesitating as to the adoption of the present plan of relief. But, since both these correctives would be equally practicable, the objection is too weak to be entertained for a moment.

After a few pages on the vast advantages that would result to Ireland itself from the draining of its bogs, which it appears occupy 5,000,000 of acres, or one entire quarter of the kingdom! a measure which the author conceives would be productive of an actual profit to the capitalists or the Government that might drain them, to the extent of 5,000,000*l.* a year in estimating the agricultural surplus produce at only a pound for each acre, he enters upon

a consideration of the superiority of the large to the small farm system :

“ The advantages of a large farm system over a small one will be sufficiently manifest from a comparative view of the state of the country under the influence of each. If the whole of Ireland were divided into potatoe gardens of two acres each, with a family to each garden, the kingdom being 20,000,000 of acres, and each family consisting of five persons, there would be a nation of fifty millions of people living on the roots of the earth, with no habitations above a hut—without clothing, without furniture, and without any means of saving a single family from the doom of pauperism, to which all alike would be condemned, and therefore without any possibility of having a body of noblemen, a body of country gentlemen, or a body of farmers, as component parts of her social system. There could be no manufacturing towns ; for as all that was raised would be required for the bare sustenance of the family that raised it, not a potatoe could be spared as surplus produce, to purchase a bed, a chair, a table, a plate, a pair of shoes, a hat, or any one material which manufacturing towns supply, and therefore none could exist. There could be no revenue, as there could be nothing out of which a revenue could be paid. Not only would every potatoe be wanted, but more would be wanted than could possibly be raised to maintain the progressive increase of population, which such a division of the land and such a cabin system would necessarily occasion ; and therefore famine, with all its horrors, would regularly ensue, as it now does, at short and stated intervals, to take off the superfluous numbers.

“ But if, on the other hand, the whole of Ireland were divided into estates of four and five thousand acres each, a few consisting of a larger portion of territory for the support of the nobility, and into farms of four and five hundred acres each, without a single potatoe garden in the whole kingdom—the labouring poor, from not exceeding their just number, being sufficiently well paid to afford to live on wheaten bread and meat—the agricultural population of Ireland would be richer than the agricultural population of England, or any other nation, as there would be more produce and less population to share it, than in any other part of the world ; the farms of England even not reaching the average size of four and five hundred acres. There would then be a rich order of nobility, a rich order of country gentlemen, a proud, high-minded unflinching race of farmers (which is far from being the case at present,) and a body of labourers well fed, well clothed, and well housed. Instead of a poorly cultivated country—‘ *et lamentabile regnum* ’—whose ragged aspect spoke volumes of wretchedness, the whole face of the island—‘ *Gazû lætus agresti* ’—would be covered with substantial farm houses, and buildings that proclaimed the ease and comfort of the owners ; while here and there a sequestered spot would betray the snug,

warm, and well-sheltered cottage of the contented labourer, 'looking tranquillity.' Every thing would have the appearance of health, vigour and freshness, and everywhere would be seen happy faces and happy firesides, where disaffection and rebellion, save under an insupportable tyranny that justified them, would never find entrance. Then indeed might Ireland boast of the perennial green of her Elysian fields, where spring ever reigns and happiness never dies,

——— 'Locos lætos, et amœna vireta  
Fortunatorum nemorum sedesque beatas.'

And then might she, with more semblance of truth than that of 'Araby the blessed,' be sung the 'Emerald Isle,' the bright gem of the ocean, sparkling with life, joy, and gratitude, for the blessings she enjoyed. So great is the difference which a large or small farm system creates in the prosperity or misery of a country !"

The question of the disposal of the agricultural produce of Ireland is next discussed ; and the author enters deeply into the inquiry of how far the establishment of manufacturing towns in the country itself is necessary to its prosperity. His reasonings are long, and his illustrations copious ; but to us they appear to prove satisfactorily that, under a wise system of rule, so far from the agricultural and manufacturing interests being opposed, as they are generally considered to be, they are mutually and reciprocally advantageous to each other : that in proportion as manufactures flourish so will corn be required to feed the manufacturers ; and in proportion as agricultural produce can be raised, so there will always be abundance of manufactures to be given in exchange for it. He shows, too, that it must be for the advantage of the whole community that each separate class of articles should be produced where the local advantages most favour the one or the other : that the manufacturing towns are best placed in England, where the metals and minerals, rivers and canals, are at hand, and the agricultural districts best planted in Ireland, where soil and climate are alike favourable to the most successful harvests. Upon the same principles he regards the personal presence or absence of the great landholders from their estates as of little importance ; and as far as consumption of produce is affected by it, the difference is certainly insignificant, though there are moral effects which residence would produce that the author seems to have overlooked. He illustrates his position that the prosperity of an agricultural country requires for its support neither manufacturing towns nor noblemen's residences, by adverting to the fact, that that part of England known by the name of the Bedford Level, as well as the low and fenny lands of Lincolnshire, Norfolk, and Cambridgeshire, are among the most highly-cultivated portions of the country, and peopled with more opulent farmers, and fewer paupers, than any part of England, though there is not a manufacturing town nor a nobleman's seat in the neighbourhood : the whole district consisting of large farms, with

excellent farm-houses and farm-buildings, among which not a weed of poverty is to be seen. It is sufficient for the agriculturists of this district that they find a market in London, or even more distant towns, for the produce of their lands ; and in like manner all the agricultural produce of Ireland might find markets in England without the necessity of creating new sources of consumption there. The author adds :

“ But though the prosperity of the Irish farmer is totally independent of the creation of manufacturing towns in Ireland, or the residence of landlords, yet I by no means wish to contend, that on this account there should be no manufacturing towns, and no resident landlords. On the contrary, there could be no order, stability, and good government without them ; but in proportion as the large farm system was established, as the ‘ *latis otia fundis* ’ gave new pleasures to the country, and the general aspect became more attractive by the appearance of wealth and comfort which this system would diffuse, landlords would be less desirous of quitting their homes, and seeking happiness elsewhere. It is by the scourge with which Ireland is so cruelly visited, of the small farm system, that they are driven into exile. But remove the cause, and the effect will cease. Let but the large farm system prevail, and the country indicate a settled state of repose and contentment, and there will be but little reason to complain of the evils which the absence of landlords is supposed to occasion. And in proportion, too, as the agricultural surplus became larger, a greater quantity would necessarily find its way to the manufacturing towns than is now the case, as there are various articles of apparel and furniture, and various implements of husbandry, that could be made at a cheaper rate on the spot, than they could be imported from England ; and therefore the manufacturing towns would be so much the richer. But still, from the general superiority of English manufactures, the main reliance of the Irish farmer would continue to be, as it now is, on the English market.”

“ In order to place the poor of Ireland on the same footing with the poor of England, their numbers must be limited to the same proportion as in England, which will necessarily cause their wages to be raised to the same rate ; and then better food, better clothing, better cottages, and better furniture, will follow of course. Limit their numbers still more, and their prosperity will be greater than that of the English poor. But during the last century, the potatoe-garden system has made their condition so much worse, that misery, famine, disaffection, and rebellion, have followed each other in as regular and successive rotation, every five years, as turnips, barley, clover, and wheat, in the new agricultural system of England ; and this rotation will last while Ireland lasts, unless this system be abandoned, as every five years the number of people will exceed what the roots of the earth, which they live upon, can sustain, and

make the rotation inevitable. Without the total abolition, therefore, of this generative system, the sentence of everlasting poverty is passed upon Ireland never to be rescinded.

‘ Luctus et ultrices posuere cubilia curæ,  
Pallentesque habitant morbi, tristisque senectus,  
Et metus, et malesuada fames, et turpis egestas,  
Terribiles visu formæ, lethumque laborque.’

“ If this reasoning be correct, no policy that does not lead to the increase of food, or decrease of population, can be of the slightest benefit to Ireland. It is therefore by this standard that every measure for her relief should be tried. If it will abolish the potatoe-garden system, if it will add to produce, or take away from population, it is good ; if it will not, it is good for nothing. There is no possibility of bettering the condition of the poor of any country without giving them more than they already possess ; but there are no means whatever of giving them more, without increasing produce, or lessening population. In proposing measures, therefore, for the relief of Ireland, it should always be inquired, will they lead to one of these results ? If they will do neither, they can have no tendency to give the poor more than they already have ; and therefore their condition, notwithstanding the measure, must continue the same.”

Into the discussion of the Corn Laws, which follows this, we do not think it necessary here to enter. All parties in England seem to be fully convinced of their absurdity and injustice—their absurdity in not at all effecting the end for which they were instituted, and are still professedly maintained, that of supporting the national greatness and welfare ; and their injustice in keeping back the whole nation in its career of competition with others, without benefiting the small section of the community through whose mistaken and misdirected influence they are alone maintained. It is with reference principally to the exclusion of the corn of our own possessions that the author speaks, and especially that of Canada ; and certainly any thing so childish in the way of legislation would be difficult to believe, did we not witness it with our own eyes. If a decree were to go forth commanding the inhabitants of each of the counties in England to live on its own produce—the people of Durham on their lead and coal, the people of Kent on their hops, the people of Cornwall on their tin and copper, the people of Staffordshire on their pottery-clay, the people of Leicestershire on their mutton, and the people of Norfolk on their corn, but strictly prohibiting, under the heaviest duties, any one county from sending its surplus food to exchange for something else of which they had but a scanty supply, though produced in abundance in some other county or parish—the whole nation would be up in arms, and all parties would feel themselves aggrieved. And yet such a decree would not be at all more foolish or more unjust than that which prevents the East Indian from sending his sugar, the New Hollander from sending his wool, the Cape settler from sending his wine, or the

Canadian his corn to England, free of all duty whatever, to exchange for some other produce of the same great estate. It was the consideration of the vast wealth which arises from the unfettered intercourse of nations and provinces that induced the author to say, in which we entirely concur, that,

"In consequence of the little that is known of the means by which a nation becomes rich, so little is known of the real advantage of colonies, and of the immense wealth they are capable of bestowing on the mother country, that our foreign dependencies are commonly held to be unprofitable and troublesome appendages, scarcely worth the charge of keeping. But I shall endeavour to show, that under a different code of laws from those which now obtain, the foreign possessions of England may be made to pour into her ports so rich a produce, as to raise her to a higher degree of wealth and power than was ever yet attained by any other country."

The writer reverts to the consideration of the now exploded theory of the balance of trade, according to which it was contended, that when we sent away from the country more than we brought back in return for it, we were in the most flourishing condition; our prosperity increasing in proportion as our exports exceeded our imports! This notion was thought by Lord Liverpool "so self-evident as to require no proof and admit of no question," and soon afterwards the same nobleman attributed the starving condition of the population and the general distress of the country to an over-production of corn! Well, indeed, may reflecting individuals pause before they place implicit faith in the wisdom of our ancestors, when we see noblemen of our own day, filling the highest offices of the state, giving utterance to such doctrines as these. It will be but justice to Mr. Wheatley to repeat, in his own words, the manner in which he, at the time of its highest popularity, endeavoured to oppose this then fashionable doctrine:

"The theory, which I have endeavoured to set up in its stead, is,—that the wealth of a nation consists in the produce of its land, and the produce of its towns, or its corn and manufactures; that the produce of its land is necessarily limited by the bounds of territory; but, as towns produce in proportion to the supply of food they receive, that the produce of its towns is unlimited, and may not only be equal to all the surplus corn that is raised at home, but to all that is brought in from abroad, and may go on increasing to any extent to which an increase in the quantity that is grown at home, or the quantity brought in from abroad, can carry it.

"But as towns can only produce in proportion to the supply of food they receive, as the extent of their produce entirely depends on the extent of the corn brought in, the manufactured produce of a country can never be greater than its agricultural surplus, unless foreign corn be admitted to make it so. All increase of wealth, therefore, beyond what the home supply of corn can give rise to, necessarily



depends on the introduction of foreign corn; for if all the land belonging to a nation, that can be brought into cultivation, is already cultivated, and all the corn that can be raised is raised, no addition can be made to its wealth, either by its corn or its manufactures, without letting in foreign corn; for as there can be no increase of manufactures without an increase of manufacturers, if the existing body be all that the home supply of corn can feed, and no foreign corn is admitted to give sustenance to a supernumerary body, all the manufactures that can be raised will be raised, and corn and manufactures will both be brought to a fixed quantity; and, as a limit will thus be put to the production of both, a limit will at once be put to the wealth of the nation. If, therefore, the wealth of a nation, that grows all the corn that it can grow, is to be augmented, it can only be augmented by bringing in foreign corn to maintain an additional body of manufacturers beyond what its own agricultural surplus can do; and in proportion as this body adds to its manufactures, it will add to its wealth. No nation ever yet became rich, or could become rich, beyond the point to which its own surplus corn could elevate it, in any other way than this, than by letting in foreign corn to increase the productive power, the wealth, and population of its towns.

“ This theory, therefore, is in direct opposition to our corn laws, which go on the principle, that every nation can grow corn enough for its consumption; and therefore, by the exclusion of foreign corn, they at once set a limit to the number of manufacturers, and therefore set a limit to the wealth of the nation. But as the agricultural surplus of foreign countries comprises many other kinds of sustenance as well as corn, such as tea, coffee, sugar, rice, wine, fruits, &c., any increase of which will cause the same relative increase of manufactures as an addition of so much corn, these veins of wealth in the great mine of the world may still be followed, as there is no prohibition to their inlet; but as corn is the main staff of life, its admission is much more material than that of any other produce.

“ The corn laws, therefore, by shutting out foreign corn, are the great bar to the increase of the wealth and power of England; as it is on the improvement of our foreign dependencies, and the free admission of the vast quantity of corn they are capable of raising, as well as every other kind of agricultural produce, that her future greatness entirely depends. There is, then, but little use in discussing by what means Canada is to become a great contributory power to the wealth of England, if the means by which she is to become so are to be rejected, as it is only by the copious granaries of corn that she will be capable of emptying into the store-houses of our manufacturing towns, that she can contribute to our wealth.

“ Unless, therefore, the future greatness of England is to be a visionary dream, it is necessary to endeavour to remove the prejudices of the country gentlemen on this subject, in the first instance,

in order that our corn laws may undergo the revision that is required to give rise to her greatness."

The writer conceives that the prevailing notions respecting the proportionate pressure of taxation in England and France are erroneous, and attributes greater evils to the system of equal inheritances in the latter event than seems borne out by the evidence. If, indeed, when large estates were left to be divided among a great number, it necessarily followed that actual division of the estate into small parcels should take place, such division and subdivision would be injurious to the general wealth of the country. But as long as a large farm is more productive in a whole than in parts, it is likely to continue in the hands of one person by a sale of the other portions to the holder of it, or by some arrangement for the division of profits. When a ship, a mine, or a house, are left among many children equally, each one does not insist on his portion apart. The property remains whole, for it cannot be so advantageously used otherwise, and all submit to an arrangement which is evidently for the common good. We see no reason why the same principle should not keep farms also in that proportion of size and state of completeness, which experience would point out as most productive of advantage to its owners. The writer appears to us much more correct in what follows :

" There is no truth of so much importance in the whole science of political economy as the principle, that an increase of corn is an increase of manufactures, as it is upon this truth that the increasing wealth of nations entirely depends. When on a supply of foreign corn being imported, it is asked who it is that buys the corn, and it is answered, not the farmer, not the country gentleman, but the manufacturing towns, and the manufacturing towns only, and that they will continue to buy any further supply, let the quantity be augmented to what extent it may, it follows at once, that an increase of corn must cause a proportional increase of manufactures, as it is only by increasing their manufactures that the towns can be enabled to buy the additional supplies. The increase of both is in fact necessarily simultaneous ; for as there can be no increase of manufactures without an increase of manufacturers, and no increase of manufacturers without an increase of corn to support them, one effect cannot take place without the other."

" This truth, therefore, that an increase of corn is an increase of manufactures, that an increase of the produce of the land necessarily causes a proportional increase of the produce of the towns, is at this moment of more importance than any other in the whole range of political science, because its establishment goes to effect a total change in the commercial policy of nations, which now is to discourage the import of the agricultural surplus of other countries as much as possible, instead of encouraging it, and by this change to cause a general amelioration in the condition of mankind. If this principle, therefore, be acknowledged, it is impossible that our

ports can too soon be thrown open to the free admission of foreign corn, and every other component part of the agricultural produce of foreign nations; as the more that is admitted, the greater will be the amount of our manufactures, and the greater will be our wealth."

We trust that this will happen sooner than the great landholders anticipate. The bending of Ministers to circumstances in the last session of Parliament was a favourable omen: and a little more distress, which teaches sometimes more valuable lessons than the best written treatises on political economy, may extort from the fears of those who would still persist in their opposition to the wishes of the people, what could not be wrung from their affections. The writer shows clearly that the increase of the manufacturing towns of England has been maintained by the improved system of agriculture, so much promoted by the late Duke of Bedford and Mr. Coke, by inclosures and by occasional importations; from all which causes, the quantity of corn consumed in England at the close of the last reign, was at least double what it was at its commencement; the population that consumed it being also nearly doubled in the same period. He adds:

"It may now perhaps be evident, that the improving wealth of England during the reign of George the Third was occasioned by the vast increase which took place in our corn, and the consequent increase which took place in our manufactures, and not by the theory of the balance of trade—which, so far as it operated at all, was from the excess of paper, in the crude language of the day, unfavourable instead of favourable, and took money out of the country, instead of bringing it in. But as the same means, which caused the augmentation of our wealth in that reign, will cause its augmentation in all others, it is by the increase of our own agricultural surplus, and the increase and free admission of the agricultural surplus of all other countries, that the progressive improvement of our wealth will always be effected.

"There is no subject on which the country gentlemen have shown such little consistency of reasoning as on the increased supply of corn. Though they object, both in theory and practice, to any increase of its quantity from abroad, yet they make no kind of objection to it, let it be increased to what extent it may at home. During the last reign, about three millions of acres were brought into cultivation by the inclosure bills beyond what were cultivated before. According to the prejudices of the country gentlemen, there is no reason why they should not have objected to the increase of corn arising from these three millions of acres, as much as the increase of corn arising from three millions of acres in any other country, as this quantity of corn added to the stock before raised precisely the same as if it had been imported from abroad, and the manufacturing towns received the same benefit from it, and increased in population and wealth in just as great a degree,

as if it had been so much foreign corn. And yet not only was there no country gentleman who made any opposition to this measure in the House of Commons, but there was not one who did not heartily concur in its policy. If there were now three millions of acres more to be inclosed, the bills would pass with the same unanimity as before, and so on, if there were ten, twenty, or thirty millions, or even if England could be extended to the size of France, or the size of Russia. But it is impossible that it could make any difference to the country gentlemen, whether the increased supply of corn, which such a number of acres could produce, arose from so much land added to England, or so much land separated from it by sea. If it is to arise, however, from so much land added to England, and is to be the effect of inclosure bills, it is to be a wise and excellent measure, and the salvation of the country, for such the inclosure bills were called. But if it is to arise from so much land separated from England, and is to consist of foreign corn, it is to be a dangerous and impolitic measure, and the ruin of the country, for such is to be our doom, if foreign corn is imported! Though the effect, which such a supply of corn would have on the pre-existing stock of old corn, and the wealth and population of our manufacturing towns, would be precisely the same in both instances, without the shadow of a shade between them. Such is the strange perversion of intellect, that makes an increase in the supply of corn a blessing or a curse, according as it comes from one side of a hedge or the other!!!

“I am free to admit, that the landed interest ought to have the leading influence in the government of the country, not only on account of their wealth and distinction, and the superiority of their attainments from their usual system of education, but on account of that ‘*otium cum dignitate*,’ so peculiarly their own, and which allows them to devote their time and thoughts to the public. But when they assume such absolute and dictatorial authority over the towns, whose population is far greater than that of the land, as to say, so far shall you go, and no further—not a morsel of bread shall you eat, beyond what we choose to sell—not a manufacturer more shall you have, nor a sovereign more shall you make, than it is our will and pleasure;—for such in effect is the language of their prohibitory corn laws, and this too, when it is as much against their own interest, as it is against the interest of the towns, that it should be so; one is almost tempted to exclaim, if such be the abuse of their ascendancy, most certainly it ought not to exist. For one set of men to legislate for another set, and notoriously and unscrupulously to sacrifice the interest of that set to what they conceive to be their own, is in itself a most mean and unworthy proceeding; but when, as in this instance, the interest of the manufacturing body is sacrificed, not to the advantage, but disadvantage of the agricultural body, it makes the proceeding as contemptible and ridiculous as it is partial and unjust, and induces us

still more to regret the ascendancy that is possessed. The country gentlemen ought, in fact, to have nothing to do with the subject of foreign corn. They neither import the corn, nor buy it, nor eat it; and instead of having any reason to prevent the towns from eating it, they have every reason to congratulate themselves on their doing so, as they get a higher price for the loaf they sell to them themselves in consequence of it. Their interference, therefore, is not only officious, but selfish and oppressive; and it is scarcely possible not to rejoice, that in this case, as in most others, the selfishness and oppression, whatever injury they inflict on the party against whom they are directed, recoil with no less force on those who exercise them."

Mr. Wheatley's veneration for an hereditary nobility we have no doubt is sincere; and it is not out of place to see it expressed in a letter to one of its distinguished ornaments. But that he should think the large landowners ought, on that account alone, and in addition to their power as members of the aristocracy, to have a leading influence in the government of the country, and that he should believe not only the superiority of their attainments, but also that the leisure and ease they possess, dispose them to forget their own interests and pleasures in the devotion of their time and their thoughts to the public, is, we confess, a strong proof that his veneration is founded on that which is the chief source of admiration generally—a very imperfect knowledge of the class so eulogized. We turn, however, from this subject to offer a concluding extract from that portion of his letter which is confined to Canada, as a source of supply in the hands of the Irish emigrant settlers, for the food required by the manufacturing people of England:

"On the repeal of the corn bill, therefore, there will be nothing to interrupt the corn of Canada from coming in, and therefore nothing to interrupt the execution of this system, which will improve the prosperity of England, precisely in the same degree in which it improves the prosperity of Canada; as in the same proportion in which the landed interest of Canada will get rich by the sale of their corn, the manufacturing interest of England will get rich by the sale of their manufactures in exchange for it. The principal point, therefore, to attend to in promoting the mutual welfare of Canada and England is, to make good the long line of water communication, which the hand of nature has so nearly completed through the magnificent lakes of Canada, as it is by the perfecting of this intercourse, that she will be enabled to convey her corn with ease and rapidity to her seaport towns for shipment to England. Should colonization proceed with the spirit and energy, which the miseries of Ireland, and the improvement of Canada and England require, a few short years will make a material difference in the state of the three countries. Ireland, with her large farms, her rich tenantry, and happy population, will be

brought to resemble the most luxuriant districts of England. Canada, with her high cultivation and lucrative commerce, her towns, roads, and canals, the necessary effects of extended colonization, will exhibit all the marks of a flourishing empire, and rival Europe in splendour and prosperity, while the manufacturing towns of England, from the vast increase of the agricultural surplus of Ireland and Canada, the whole of which will be poured into their lap, will be nearly double what they now are, in size, wealth, and population, at the same time that the landed interest will secure to themselves never-failing, unsatiated, and insatiable markets, with never-failing high prices."

At this portion of the work, we feel disposed to make a pause. The author here closes his consideration of the first branch of his subject, which was to point out the advantages likely to be enjoyed by Ireland from an emigration of her surplus population to Canada; and the use which could be made of their labour in that country to enrich both the colony and the mother country. He next passes to the still greater question of the Colonization of India, as being likely to be productive of much more extensive advantages both to Hindoostan and to Great Britain: but as we are desirous of giving a full and accurate review of his sentiments on this subject, more especially as they have been grossly misrepresented in another work, and as the subject comes peculiarly within the scope and object of our own, we shall reserve our remarks on this branch of it for the succeeding Number.

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SONG WRITTEN FOR AN INDIAN AIR.

*By the late Mr. Shelley.*

I ARISE from dreams of thee  
In the first sweet sleep of night,  
When the winds are breathing low,  
And the stars are burning bright.  
I arise from dreams of thee,  
And a shiver in my feet  
Hath led me, Who knows how?  
To thy chamber window, Sweet.

The wandering airs they faint  
On the dark, the silent stream,  
The Champak odours fall  
Like sweet thoughts in a dream.  
The nightingale's complaint,  
It dies upon her heart;—  
As I must on thine,  
Beloved as thou art!

Oh, lift me from the grass!  
I die! I faint! I fail!  
Let thy love in kisses rain  
On my lips and eyelids pale.  
My cheek is cold and white, alas!  
My heart beats loud and fast;—  
Oh! press me to thine own again,  
Where it will break at last!

## SIR CHARLES D'OYLY'S ANTIQUITIES OF DACCA.

THE architectural antiquities of India, though less beautiful than those of Greece and Italy, and less vast and sublime than those of Egypt, are yet of a nature to command the attention of Europe. Every thing of this kind deserving of notice, belongs, however, to the era of Mohammedan domination, during which innumerable edifices, religious, royal, or hospitable, sprang up in the various provinces of Hindoostan; and, although now hastening more or less rapidly to ruin and decay, still remain the monuments of the munificence, taste, or splendour of the Musulman princes. We grant that, for many reasons, the English of this age are entitled to look back upon the half-civilized conquerors of the East with a proud feeling of superiority; but certainly this superiority has seldom been made palpable to the Hindoos in the science of architecture. We reason more justly on the rules of art, and can very readily point out the defects in taste and science into which those barbarians were precipitated by ignorance; but we have not imitated the munificence and energy that covered India with mosques and palaces and caravanserais, which, if not strictly chaste in their design, were at least possessed of grandeur and utility. Travellers still visit Spain to admire the splendour of the Alhambra, and the Cordovan mosque, the relics of Arabian genius and power; but when time shall have driven us from the Ganges and the Indus, what traces shall we leave behind us of the greatness of England? Excepting the Government House at Calcutta, and one or two other structures of less importance, India has seen nothing of what Englishmen could effect, if their enthusiasm and their genius were not extinguished by the benumbing influence of the torpedo of Leadenhall-street.

The work before us, already partly known to our readers, from portions of it having been long published, illustrates the architectural remains of a single city of Bengal; but even these, were nothing more left in all India, would suffice to impress upon the mind of the traveller, or the observer of these views, the most favourable notions of Mohammedan genius and magnificence. Superb temples for public worship, palaces at once vast and commodious for the dwellings of their princes, roads, bridges, canals, caravanserais for the accommodation of travellers or the advancement of commerce; these were the works of the Moguls in Hindoostan, whose crumbling ruins Sir Charles D'Oyly has so beautifully delineated in his 'Antiquities of Dacca.' Perhaps many might regard these admirable engravings merely for their excellence as productions of art; but we are irresistibly drawn to behold them in another light,—as illustrations of the wretched condition of the natives of India. Let the

reader carefully examine the modern dwellings of the natives of Dacca, as they appear in Sir Charles D'Oyly's views, or in those exquisite vignettes of Mr. Chinnery's, which adorn the heads of chapters in the historical account of the city; and then compare them with the views of savage huts given in the plates to Cook's or Wallis's voyages in the Southern Seas; he will find the tattooed animal, who hardly deserves the name of man, possessed of a better habitation, and more instruments of domestic comfort, than the Helot of the East India Company. Another important observation he will likewise make, which may aid in enabling him to comprehend the facility with which India has always been subdued and enslaved. The Hindoo figures introduced into these views are all of a slender and delicate make, approaching effeminacy; while the Mohammédans, on the other hand, display muscular, Herculean limbs, formed by nature to endure the toils of war, and wield the sword of independence. Ignorant moralists, founding their notions on a narrow observation of human nature, are in the habit of teaching that cruelty is the offspring of weakness and cowardice, and have adduced as an example the cruel temper of the effeminate Hindoo; but those athletic Moguls, of whom we have spoken above, are naturally as much addicted to ferocity and cruelty as any coward on earth; and in this they resemble the bravest nations of antiquity, the Spartans and the Romans, who were notoriously unfeeling and inhuman. But we must not here pursue these reflections.

There are in Bengal few of the elements of beautiful landscape, or such at least is the case in the neighbourhood of Dacca, and all the southern parts of the province. For a country as plain as the ocean, and totally devoid of rocks and stones, is not certainly the residence of the picturesque; though the woody winding banks of rivers, palm trees, boats of rude construction with fanciful sails, broken arches, temples mouldering, palaces deserted, elephants, palanquins, &c., furnish ample materials for highly interesting views. Indeed, with the marks of man upon them, such scenes possess more genuine interest than the fairest landscapes of paradise would, in the condition of mere nature. It is the footsteps of men and women, whatever affectation may pretend, that hallow the beautiful scenes of the earth, and enrapture him who gazes upon them. Uninhabited wilds soon weary the eye, which always seeks for some token of human energy in whatever it contemplates, and would in a landscape be more delighted with an ivied tower, long relinquished to bats and owls, though standing amidst ordinary scenes, than with the most exquisite combination of water, earth, and sky, ever seen in conjunction, were it possible to view them unconnected with any association with man. Nothing is so beautiful as mind. Nature itself is delightful only inasmuch as it awakens in our imaginations ideas of softness, repose, serenity, and love.



It was this conviction, or an instinctive feeling of the truth, that led the ancient poets to people the woods and fountains and hills with dryades, nymphs, and oreades; for, observing that those natural objects gave rise to images of pastoral love and undisturbed delight in their own minds, they imagined beings adapted to those quiet scenes, and endowed them with something like immortality.

In tropical landscapes, the extraordinary richness of the skies, which is multiplied and reflected in every pond and river, confers an ever-varying beauty on the actual view, which even Claude could not transfer to the canvass; but in some drawings, and even in some engravings, that we have seen, there is an appearance indicative of sultry heat, which is a very great beauty. This appearance is given to one or two prints in the work before us, to that print, in particular, which represents the North Gateway and the Fort of the Great Kuttra. Indeed, these engravings convey as accurate an idea of Indian scenery as representations void of colour possibly could. The objects, both artificial and natural, which characterize the country, are very skilfully introduced, and forcibly contrasted. Perhaps the absence of one scene, mentioned in the letter-press, is to be regretted—"The environs of Dacca during an inundation of the Ganges." The inhabitants erect their frail huts on little eminences, probably artificial, which remain uncovered during the rising of the waters. These rude dwellings, which, however wretched within, are picturesque at a distance, thus perched on innumerable little islets in a sea covered by the tall ears of the rice which appear above water, the numerous boats in which neighbours navigate to each other's houses over their inundated fields, with the straggling streets and suburbs of Dacca, as viewed from the top of the Great Kuttra, would form a landscape of extraordinary interest and beauty.

The numerous views, which are given in the numbers already published of this work, are eminently creditable to Sir Charles D'Oyly, Mr. Landseer, and the other artists engaged. We have never seen any thing of the kind superior to them in beauty. Were it possible for us to convey an exact conception of each view by description, we should be able to make this clear to the reader; but the beauties of a fine print or picture really elude the grasp of language, however rich or flexible, inasmuch that we question whether the most eloquent pen that ever existed could convey, by description, *the same ideas* as would be conveyed by the picture described. We shall not, however, attempt this nice delineation in the present case, but merely sketch a rough outline, as it were, of one or two of the views, and copy from the printed account annexed to the work an enumeration of the principal objects represented in the others.

1. *View of a Mosque on the Booragunga Branch of the Ganges.*—The architecture of this edifice is striking and grand.

An angular turret, lighted by tall slender arched windows, and crowned by a fine dome, stands out from each corner of the building, and two loftier domes, of different construction, adorn the centre; while in the middle, between these two turrets, an arched window of vast dimensions looks out upon the river. Immediately above the basement, as well as at the summit of the plain wall, a row of pointed niches runs along the end of the body of the edifice, between two broad fillets, and another of much smaller niches is carried round the base of the dome. Here and there the loops of time are visible in the wall, and rich masses of verdure flourish and wave beautifully on the domes and towers. Close at the foot of the basement the broad Ganges flows by, with Hindoo boats and barges on its surface; and above, the sky is loaded with vast tropical clouds.

2. *Part of the Interior of the City of Dacca.*—The principal object in the foreground is a very singular quadrangular building, four stories high, each story being considerably smaller than the one beneath it, upon which it stands like a square pillar on a huge pedestal. The sides of the edifice are perforated with tall pointed arches, in some measure resembling the cinquefoils of the Gothic style; and its lofty basement rises out of a deep basin or *nulla* of the Ganges. On the right, various Hindoos are seen, some in barges or boats, others descending a lofty flight of steps, or standing up to the middle in the water. The ruins of a bridge, stretching from the foot of the building above described across the *nulla*, occupy the left of the fore-ground; and behind, beyond the water, other edifices are seen, peeping out of matted foliage. Near the edge of the basin is a small mosque or chapel, with a dome, but no windows,—the whole structure nearly buried in verdant foliage.

3. *Mosque of Syuff Khan.*—This print is a near view of the front and principal entrance of the holy structure, the upper part of which is almost wholly covered by the wild and drooping foliage of the banyan tree. Rows of niches, slender minarets or turrets projecting outward from the wall, and profuse pannel-work, give this building a very picturesque appearance, which is greatly heightened by the thick masses of verdure hanging irregularly along its whole extent. An air of solemn repose breathes over the scene, which is hardly disturbed by three figures approaching the great entrance, and apparently pausing to encounter the gloom of the interior.

4. *Remains of a Bridge near the Tantee Bazar.*—This is a small landscape of great richness and beauty. It has an air of even pastoral repose. In the fore-ground are the waters of the Ganges, thickly dotted with floating aquatic plants, and quivering in the evening light, which, partly intercepted by the ruined bridge, falls in broken masses upon the objects nearest the spectator.

Over the shadowy portion of the stream, a laden boat is slowly navigated, through obstructing vegetation, by a small crew of dusky Natives. Above, on the parapet of the ruined bridge, a groupe of the same race are seated, apparently much at their ease, some gazing at the rippling of the water, others talking, or looking at the clouds. Through the lofty arch of the bridge, we observe the end of a cottage, sheltered by trees of majestic height, and standing not far from the stream. And in the back-ground, the river stretches away beneath the setting sun, and between banks shaded by lofty trees, which seem to trace the outline of their summits on the evening sky.

5. *The Fort and North Gateway of the Great Kuttra.*—The body of this vast and splendid edifice stands, in the present view, a little in the back-ground, while the mass of masonry denominated the Fort, and the arched gateway, are beautified by luxuriant verdure. A groupe of Natives, an elephant with his rider, a horse prancing, held by a Mogul, and two dogs admirably executed, occupy the fore-ground, which is bright with sunshine, and sprinkled with fine broad-leaved plants.

6. *Ruins of Tungy Bridge.*—Tranquil water, reflecting large and beautiful aquatic plants, picturesque barges, and the lofty arches of the bridge, one of which is crushed in, and partly broken, with the soft margin of the stream seen under the arch, and buffaloes grazing on it, form the elements of this scene. Creeping down the sides of the bridge, and obstructing the passage of barges under the arches, are wild and fantastic masses of the roots and branches of the banyan tree, which above spreads luxuriantly, and covers the whole breadth of the ruins. "The bold and picturesque, though much shattered, ruins of Tungy Bridge have been thought," says the writer of the 'Account of Dacca,' "to possess sufficient claims to its admission among our selection of Dacca antiquities. By whom it was built is not known; but, from the style of what little remains of its architectural features, it is doubtless coeval with those mosques and palaces which were erected during the brightest period of the prosperity of this metropolis." "Its neighbourhood has been the frequent scene of those sporting meetings in which the English gentlemen residing in Dacca sometimes indulge themselves, at the expense of the tigers, buffaloes, bears, leopards, &c., of this part of Bengal."

7. *Paugla Pool, with part of Dacca in the extreme distance.*—This bridge "has been a most elegant structure, but is now much broken and shattered by the floods of the Ganges, or the destructive operations of war, or perhaps both. Its remains are still exceedingly picturesque. In our south-east view of it, part of the city of Dacca is seen in the distance, under an effect of light and shade, which was studied on the spot. The far-off white houses of the European inhabitants, when illumined by a partial gleam of

sunlight, form a sparkling contrast to the broad masses and dark foliage of the fore-ground, and the romantic ruins of the bridge."

8. *The Great Kuttra.*—"A stupendous pile of grand and beautiful architecture, situated on the eastern bank of the river, and near the centre of the city. It has been asserted that it was originally built as a palace for the unfortunate Mahommed Sujâ; who, not being satisfied with it, even as a temporary residence for himself, bestowed it on Meer Aboo-ul-Kasim, the public officer who superintended its erection; and that it was afterwards appropriated to the accommodation of travelling merchants and strangers." "From the inscription," (however,) "which is in the Persian language, and Toga-Arabic character, it would appear that the Great Kuttra has been from the beginning—to use the words of the dervise of the well-known Eastern tale—not a palace, but a caravansera: yet, since the erection of so spacious an edifice must have occupied some considerable portion of time, it may possibly have been begun as a palace, and finished as a caravansera. The superior style of its architecture seems to attest that it must have been originally designed for a princely residence; and there seems to be no other way of reconciling this idea with the direct evidence of the inscription."

9. *The small Kuttra with its enclosed Mosque.*—"This edifice "is situated about a quarter of a mile to the eastward of the great one. It was built by Amer-ul-Onmrah Shaster Khan in 1663 (the sixth year of the reign of Allumgeer). Our view of it is taken from within the area of the square which its walls enclose, and the figures introduced are some of those fakeers and mendicants who now occupy its numerous apartments. A small mosque, which appears on the left-hand side in the engraving, displays considerable architectural taste and talent. Its minarets rise somewhat like the shafts of elegant octangular columns, and are terminated by capitals of Oriental foliage and fruit. The base of a large round column, which is placed beside the entrance, has a light, singular, and fanciful effect, seeming to stand as if on a vase; of which, however, we have seen other examples in the architecture of the Hindoos. And while the dome of this mosque is beautifully fluted, its uniformity of colour and form are variegated in a picturesque manner by the blue and orange mosses, and other luxuriant vegetation of this part of Asia."

10. *Bastion of the Lal Bagh.*—"The palace called the Lal Bagh was begun by the King's son, Mahomed Azeem, sometime about the year 1677, but was never completed on the magnificent scale of the original design. It was meant to include a fortress also, of which the Bastion presented in our view is one of the unfinished features. This bastion is joined to another by a long line of embrasures, which shows the great extent of the plan as originally projected."

11. *Mosque in the Suburbs of Dacca.*—"Though highly deserving the attention of the painter, the architect and the man of taste,

nothing is particularly known on the subject of its history. It is situated on the road leading from *Dacca* to *Tungy*, and is wildly overgrown with various foliage, and roots rambling across it in every romantic direction, and clinging to its dome and arches. The view is taken from the eastward."

Such are the views, from the masterly pencil of Sir Charles D'Oyly, already published of this magnificent work; and these, taken together with the exquisite vignettes of Mr. Chinnery, may be confidently recommended to the public as a series of engravings never excelled for fidelity and beauty by anything whatever, in the branch of art to which they belong. The remainder of the work must be looked for by every admirer of the fine arts with the greatest impatience; and more especially by the tasteful and liberal among our countrymen in the East.

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EDWARD AND ELLEN.

WHEN War his banners late unroll'd,  
And exiled Peace forsook the world,—  
As threat'ning myriads hovering near,  
Bade Freedom's sons to arms repair,—  
High on the mast the signal flew,  
And ardour fired Britannia's crew,  
While many a high-swollen bosom strove  
Twixt patriot zeal and powerful love.

Young Edward's heart beat high for fame;  
Yet, lingering o'er his Ellen's name,  
What Duty prompted, Love restrained,  
Till conscious Pride the victory gained;  
Then, as he sought, on Ocean's wave,  
A Victor's crown, or Honour's grave,—  
'Twas Glory's call the youth obey'd,  
And thus he left his mourning maid.

"Oh! Ellen dear!" the hero cries,  
"Though to the fight thy Edward flies,  
Those eyes will see him soon return,  
Crown'd with the wreaths his sword shall earn;  
Then, flush'd with conquest, love, and joy,  
Those arms that clasp thy faithful boy  
Will be the dearest meed he'll claim,—  
Unblest by Beauty, what is Fame?"

The foe appears—fierce broadsides pour—  
Low on the deck, deep-stain'd with gore,  
The gallant Edward wounded lies;  
No soothing hand to close his eyes!  
Yet, in the last sad pangs of death,  
"Dear Ellen!" falters on his breath.  
She heard the tale, she loved the brave—  
And Edward's heart was Ellen's grave.

THEORETICAL AND PRACTICAL VIEW OF THE LAW OF LIBEL  
IN ENGLAND AND IN INDIA.

*Practical View of the Law of Libel in England.*

No. VII.

IN 1688 occurred the famous case of the seven Bishops. They presented their petition May 18, 1688.

KING.—“This is a great surprise to me. Here are strange words. I did not expect this from you. This is a standard of rebellion.”

The Bishops said they would lose the last drop of their blood rather than lift up a finger against him.

KING.—“I tell you this, is a standard of rebellion. I never saw such an address! I will keep this paper. It is the strangest address I ever saw. It tends to rebellion. Do you question my dispensing power? Some of you here have printed and preached for it, when it was for your purpose.”

KING.—“If I think fit to alter my mind, I will send to you. God hath given me this dispensing power, and I will maintain it. I tell you there are seven thousand men, and of the Church of England too, that have not bowed the knee to Baal.”

At their trial, there was a long preliminary debate on technical pleas in bar. First, the informality of the warrant was objected, as being signed by Lords of the Privy Council, without specification that they signed it *as* such Lords, or as an act done *in* Council. Next it was urged, that the Bishops, as Lords of Parliament, were not liable to be committed for a misdemeanour, not being a breach of the peace. Then, the signature of Archbishop Sancroft, at Lambeth, in Surry, was not a publication in Middlesex, but this was cured by Lord Sunderland's evidence, of the delivery of the petition to the King at St. James's. With respect to libel being a breach of the peace, the Attorney-General, Sir Thomas Powis, said, “Can, then, any man in the world say that a libel does not require sureties of the peace? For we must now take it as it is here upon this return. How my Lords the Bishops will clear themselves of it, is a question for another time; but the warrant says they were committed for contriving, framing, and publishing a seditious libel against his Majesty and his Government. Is there a greater misdemeanour? or is there any thing on this side a capital crime that is a greater offence? Is there any thing that does so tread upon the heels of a capital offence, and comes so near the greatest of crimes that can be committed against the Government? Not to

enlarge at this time upon what the consequences of such things may be, *is there a greater breach of the peace than such seditious practices?* No doubt any man may be committed for it, and may be bound to find sureties for his good behaviour."

SOLICITOR-GENERAL.—(Sir W. Williams.)—"It must be *vi et armis*, and certainly is a breach of the peace, if the words be alleged to be scandalous against the King's Government."

MR. FINCH.—"If a man write a petition, are the pen and ink that he uses the arms?"

SOLICITOR-GENERAL.—"My Lord, I hope Mr. Finch remembers what I heard him say in Algernon Sydney's case, '*scribere est agere*.' Were the pen and ink the agents in that case? Mr. Sydney was the patient, we know."

MR FINCH.—"I think it is so, Mr. Solicitor, but every action is not a breach of the peace."

JUSTICE ALLYBONE.—"And wherever there is a seditious act, I cannot tell how to make any other construction of it, but that it is an *actual breach of the peace*; that is my opinion.\*

SIR ROBERT SAWYER.—"My Lord, the Attorney has been pleased to charge in this information that this is a false, seditious, and malicious libel; both the falsity of it, and that it was malicious and seditious, are all matters of *fact*; which, with submission, they have offered to the jury no proof of, and I make no question but easily to demonstrate the quite contrary."

ATTORNEY-GENERAL.—"Whether a libel be true or not as to the nature of fact, was it ever yet in any court of justice permitted to be made a question whether it be a libel or not? or whether a party be punishable for it? And, therefore, I wonder to hear these gentlemen say, that because it is not a false one, therefore it is not a libel. Suppose a man should speak scandalous matter of any noble Lord here, or of any of my Lords the Bishops, and a *scandalum*

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\* On this important point, see Lord Camden's judgment in the case of Mr. Wilkes, 1763. Lord Grey's speech, May 12, 1817, on Lord Sidmouth's circular letter; and Sir S. Romilly's speech, June 26, 1817, on the same subject. Lord Camden concludes his judgment in the case of Mr. Wilkes with these words: "We are all of opinion that a libel is not a breach of the peace. It tends to the breach of the peace, and that is the utmost.—1 Lev. 139. But that which only tends to the breach of the peace, cannot be a breach of it. Suppose a libel to be a breach of the peace, yet I think it cannot exclude privilege; because I cannot find that a libeller is bound to find surety of the peace, in any book whatever, nor ever was, in any case, except one,—viz. the case of the seven Bishops, where three Judges said, that surety of the peace was required in the case of a libel. Judge Powel, the only honest man of the four Judges, dissented: and I am bold to be of his opinion, and to say, that case is *not law*. But it shows the miserable condition of the state at that time. Upon the whole, it is absurd to require surety of the peace or bail in the case of a libeller, and therefore Mr. Wilkes must be discharged from his imprisonment."—*Howel's State Trials*, vol. xix. p. 990.

*magnatum* be brought for it, though that which is spoken has been *true*, yet it has been the opinion of the courts of law, that the party cannot justify, by reason it tends to the disturbing of the peace, to publish any thing that is matter of scandal. [In the statutes of *Scand. Mag.*, the words *false* and *lies* are used as descriptive of the offence.] Might not my Lords the Bishops have acquiesced *under their passive obedience* till the Parliament met?"

JUSTICE ALLYBONE,---"And I think, in the first place, that no man can take upon him to write against the actual exercise of the Government, *unless he have leave from the Government*, but he makes a libel, be what he writes true or false; for if once we come to impeach the Government by way of *argument*, it is the argument that makes the Government or not the Government. So that I lay down, that, in the first place, the Government ought not to be impeached by argument, nor the exercise of the Government shaken by argument; because I can manage a proposition in itself doubtful with a better pen than another man; this, say I, is a libel. Then, I lay this down for my next position, that no private man can take upon him to write concerning the Government at all; for what has any private man to do with the Government, if his interest be not stirred nor shaken? It is the business of the Government to manage matters relating to the Government; it is the business of the subjects to mind only their own properties and interests. If my interest is not shaken, what have I to do with matters of government? They are not within my sphere. If the Government does come to shake my particular interest, the law is open for me, and I may redress myself by law; and when I intrude myself with other men's business that does not concern my particular interest, I am a libeller.

"These I have laid down for plain propositions: now, then, let us consider farther, whether, if I take upon me to *contradict* the Government, any specious pretence that I shall put upon it, shall dress it up in another form, and give it a better denomination? And truly I think it is the worse, because it comes in a better dress; for by that rule any man that can put on a good vizard may be as mischievous, as he will to the Government at the bottom: so that whether it be in the form of a supplication, or an address, or a petition, if it be what it ought not to be, let us call it by its true name, and give it its right denomination,—it is a libel.

"Then, gentlemen, consider what this petition is; this is a petition relating to something that was done and ordered by the Government. Whether the reasons of the petition be true or false, I will not examine that now, nor will I examine the prerogative of the Crown, but only take notice that this relates to the act of the Government. The Government here has published such a declaration as this that has been read, relating to matters of government; and shall, or ought any body to come and impeach that as illegal which the Government has done? Truly, in my opinion, I do not think



he should, or ought, for by this rule may every act of the Government be shaken, when there is not a Parliament *de facto* sitting.

“ I do agree that every man may petition the Government, or the King, in a matter that relates to his own private interest ; but with a matter that relates to the Government, I do not think my Lords the Bishops had any power to do more than any others. When the House of Commons and Lords are in being, it is a proper way of applying to the King : there is all the openness in the world for those that are members of Parliament to make what addresses they please to the Government, for the rectifying, regulating, altering, and making of what law they please ; but if any private man shall come and interfere his advice, I think there can never be an end of advising the Government. I think there was an instance in King James's time, when, by a solemn regulation, it was declared to be a high misdemeanour, and next to treason, to petition the King to put the penal laws in execution.”

The prosecution of the seven Bishops by James II. (five of whom were deprived for not taking the oaths to his successor) wonderfully increased the national unanimity and impatience ; and their acquittal seemed the signal of his downfall. If there had been no law of libel, he would have been saved from that false step, and driven to look for satisfaction in measures that defied the powers of libellers ; so indissolubly is the security of the throne connected with a respect for the rights of the people. But having been taught, or encouraged and permitted, to think that the Bishops' petition implied one of the most aggravated offences, “ on this side a capital crime,” no wonder that he was utterly blind to the true nature and merits of the whole transaction ; and that he entertained the design of proceeding against the acquitted Bishops before the ecclesiastical commissioners ! Nevertheless, in the hour of need, he was very earnest to obtain from the Bishops a declaration of abhorrence, in reply to the Prince of Orange's declaration, in which his expedition was said to be undertaken on the invitation of Peers and Commoners ; and in an interview which he had, on the 6th November 1688, with the Archbishop of Canterbury and Bishop of Peterborough, he received from the former this most edifying answer :

“ Truly, Sir, we have lately some of us here ; and others my brethren who are absent, so severely smarted for meddling with matters of state and government, that it may well make us exceedingly cautious. For though we presented your Majesty a petition of the most innocent nature, and in the most humble manner imaginable, yet we were so violently prosecuted, as it would have ended in our ruin, if God's goodness had not preserved us ; and I assure your Majesty the whole transaction turned upon this one point,—your attorney and solicitor both affirmed, that the honestest paper relating to matters of civil government might be a seditious libel, when presented by persons who had nothing to do with such

matters, as they said we had not but in time of Parliament. And, indeed, Sir, they pursued us so fiercely upon this occasion, that for my part I gave myself up for lost."

KING.—"I thank you for that, my Lord of Canterbury. I could not have thought you would believe yourselves lost by falling into my hands." \*

The Archbishop then complained that the Judges on their circuits had declaimed against them, after their acquittal, as seditious libellers. He represented that the nobility would have a greater influence with the people than the Bishops could have in such matters; and that the King, in a declaration, could assert their innocence, (as to correspondence with the Prince of Orange;) but James replied, "The people would not believe me," and concluded thus: "But this is the method I have proposed. I am your King. I am judge what is best for me. I will go my own way. I desire not your assistance in it."

The Scotch Bishops were more compliant. They published at this time a declaration, in which they prayed that Providence might give the King the hearts of his subjects, and the necks of his enemies.

The distress of James on this occasion, and of all rulers who, by oppression, insolence, and distrust, alienate the affections of the people, are well illustrated by the following story, taken from Arnot's History of Edinburgh: "The game of *Robin Hood* was celebrated in the month of May. The populace assembled previous to the celebration of this festival, and chose some respectable member of the corporation to officiate in the character of *Robin Hood*, and another in that of *Little John*, his squire. Upon the day appointed, which was a Sunday or a holiday, the people assembled in military array, and went to some adjoining field, where, either as actors or spectators, the whole inhabitants of the respective towns were convened. In this field they probably amused themselves with a representation of Robin Hood's predatory exploits, or of his encounters with the officers of justice. As numerous meetings for disorderly mirth are apt to engender tumult, when the minds of the people came to be agitated with religious controversy, it was found necessary to repress the game of Robin Hood by public statute. The populace were by no means willing to relinquish their favourite amusement. Year after year, the magistrates of Edinburgh were obliged to exert their authority in repressing this game; often ineffectually. In the year 1561, the mob were so enraged at being disappointed in *making a Robin Hood*, that they rose in mutiny, seized on the city-gates, committed robberies upon strangers, and one of the ring-leaders being condemned by the magistrates to be hanged, the mob forced open the jail, set at liberty the criminal and all the prisoners, and broke in pieces the gibbet erected at the cross for executing the malefactor. They

next assaulted the magistrates, who were sitting in the council-chamber, and who fled to the tolbooth for shelter, where the mob attacked them, battering the doors, and pouring stones through the windows. *Application was made to the deacons of the corporations to appease the tumult.* Remaining, however, unconcerned spectators, they made this answer: '*They will be magistrates alone; let them rule the multitude alone.*' The magistrates were kept in confinement till they made proclamation be published, offering indemnity to the rioters, upon laying down their arms."

In 1088, the Rev. John Hardy, minister at Gordon, was indicted for high treason, "in that he did, in a sermon preached in the printing-house in Edinburgh, envy (inveigh) against that universal ease which his Majesty (James VII.) has declared he doeth all his subjects in matters relating to their conscience, and did endeavour to create jealousies and misapprehensions in his hearers: his Majesty's advocate (Sir J. Dalrymple, younger of Stair) opposes the libel and dittay, and insists particularly upon the panel's meddling in his Majesty's affairs, and matters of state and government, which, by the express act of Parliament, is declared to infer the pain of leasing-making, which is death; and *there is no nation so rude but does observe this policy*, to inhibit and restrain licentious speeches, and meddling into the actings or deliberations of a state, and by the custom of most nations, even *curiosity*, where no design appears, is construed to be attempted *malo animo*; and if the prying in *arcana regni* be prohibit, much more the opposing, counteracting, and disclaiming against the same, especially in sermons," &c. The judges, however, perhaps reading the signs of the times better, found the expressions, as they were libelled, did not infer the crime mentioned in the acts of Parliament specified in the indictment.

In 1693, William Anderton, printer, was indicted for high treason, in printing and publishing two malicious, scandalous, and traitorous libels,—the first entitled, '*Remarks upon the present Confederacy, and late Revolution in England;*' the second, '*A French Conquest neither desirable nor practicable.*' He demanded counsel upon the point of law, whether printing could be an overt act of treason, and was refused. Lord Chief Justice Treby said to the jury, if they did believe what the witnesses for the King had sworn to be sufficient evidence, *that he printed the libels*, then they must find him guilty. And to quicken their perception of that fact, and obviate their hesitation as to its consequences, he told them that it was as great and malicious a treason as ever could be imagined. The prisoner, W. Anderton, was executed at the same time with J. Dudley, convicted of *clipping*!

In 1696, Thomas Aikenhead, aged 18, was executed at Edinburgh for blasphemy, though, before trial, he had offered to make any submission that could be required. No counsel appeared for

him, nor was one word urged in his behalf during the course of the trial. The following is an extract from a private letter in the possession of Lord King, indorsed L. Anstruther: "We had lately an anomaly, and monster of nature, I may call him, who was executed for cursing and reviling the persons of the Trinity. He was 18 years of age, not vicious, and extremely studious. Fountainhall and I went to him in prison, and I found a work on his spirit, and wept that ever he should have maintained such tenets, and desired a short reprieve, for his eternal state depended upon it. I plead for him in counsel, and brought it to the Chancellor's vote, but was told that it would not be granted unless the ministers would intercede. I am not for consulting the church in state affairs. I do think he would have proven an eminent Christian had he lived; but the ministers, out of a pious, though I think ignorant, zeal, spoke and preached for cutting him off."

In 1702, Colonel Nicholas Bayard was indicted for high treason at New York. The main facts in this memorable case are as follows: On the 6th January 1702, Captain John Nanfan, Lieutenant-Governor, and the Council, made the following order: "It is hereby ordered that Alderman Hutchins do appear before this Board to-morrow, and then and there produce to the Board the address to his Majesty, to Parliament, and to the Lord Cornbury, which was signed by several of the inhabitants of this city, and soldiers of the garrison, in his house, about three weeks since, on the penalty that shall thereon ensue. By order of the Council. (Signed) B. Cozins." Whereupon Mr. Hutchins appeared; and for neglecting or refusing to deliver up the said address, on the 19th of January, was committed to the common jail of the city of New York, for the signing of libels said to be against the administration of the Government. On the 20th January, Colonel Bayard, Mr. Rip Van Darn, Mr. Philip French, and Mr. Thomas Wenham, subscribed and presented the following petition to the Council: "The humble petition, &c., sheweth, that whereas, by a mittimus, bearing date 19th January 1702, Alderman Hutchins stands committed for signing libels, said to be against the administration of the Government, which pretended libels we understand to be an address to his Majesty, another to the Parliament, and another to Lord Cornbury, whom we understand by certain advices we have received from England, to be nominated by his Majesty to succeed the late Earl of Bellamont as our Governor, copies of which (by the said mittimus) we find are expected from the said Hutchins, and is part of his charge in the commitment, the copies of which originals (being in our hands or custodies) he cannot deliver. If there be no further crime to be alleged against him, we hope to make the legality of the said addresses appear; and pray that the said Hutchins may be released from his imprisonment, or be admitted to bail, and your petitioners shall ever pray."

The Lieutenant-Governor having submitted the above address for the opinion of the Attorney-General, received the following reply: "I have well considered the humble address of Nicholas Bayard, Rip Van Darn," &c. &c.

"I humbly present you with my opinion and judgment in law as follows: First, that neither the address or petition itself, or any matter therein contained, is either criminal or illegal. Secondly, the refusal of the petitioners at the Council Board to produce the copies (of certain original addresses mentioned in their petition), owned by them to be in their own custody, and by their petition also, is not such a contempt to the Council, or other offence against the law, for which the petitioners may legally be committed. (Signed) Sa. Sh. Broughton. Jan. 21, 1702."

The tenor of the warrant for the apprehension of Colonel Bayard was as follows:

"Whereas, by an act of General Assembly of this province, made in the year 1691, entitled, 'An Act for the quieting and settling the disorders that have lately happened within this province, and for establishing and securing their Majesty's present Government against the like disorders for the future,' it is among other things enacted, that whatsoever person or persons shall, by any manner of way, or upon any pretence whatsoever, endeavour by force of arms, or other ways, to disturb the peace, good, and quiet of this their Majesties' Government, as it is now established, shall be deemed and esteemed as rebels and traitors to their Majesties, and incur the pains, penalties, and forfeitures, as the laws of England have for such offences made and provided: notwithstanding which, Colonel Nicholas Bayard, as has appeared by the oaths of several persons examined before us in council, by conspiracy and combination with John Hutchins, Esq., lately committed by us, together with several other persons disaffected to this his Majesty's Government, to the manifest disturbance of the peace of the same, by divers indirect purposes hath drawn in soldiers, and others, to sign scandalous libels, whereby they have endeavoured to render the past and present administration vile and cheap in the eyes of the people: and the said Colonel Bayard hath incited the people to disown the present authority, and cast off his Majesty's Government, as it is now established: the Council have unanimously thought fit, and do resolve, That the said Nicholas Bayard be committed for high treason. These are therefore, in his Majesty's name, to require and command," &c.

February 21.—After the grand jury had returned a true bill, it appeared, that of nineteen jurors eight were against finding the bill; which eight importuned the court that the foreman might be brought on his oath, and the rest sent for to witness the truth, that they only found the *signing the addresses*, and not the *treason*.

To which Mr. Atwood, the chief commissioner, made answer, that they were no longer jurors; they had presented the bill, and the court was possessed of it: it was now a record, and there is no averment against a record. A grand jury was also an inquest of office, and an inquest of office may be formed by a less number than twelve.

Mr. NICHOLL (counsel assigned for Colonel Bayard) moved that it would be a favour to the prisoner to put off the trial till Monday.

Mr. ATWOOD.—“No. I will take care to do my duty, whatever other people do. We shall not give Mr. Veasy (a minister at New York) the opportunity of another sermon against us.”

Mr. ATWOOD.—“I observe Mr. Jameson to have pen and ink. Mr. Jameson, you are not permitted to write.”

Mr. JAMESON.—“I will take minutes for my private satisfaction.”

Mr. ATWOOD.—“It is true an attorney or practitioner of the court may take notes for his private use; but you are no longer an attorney of this court, nor shall you be permitted to practise until you purge yourself of having signed the addresses. Put up your pen and ink.”

March 7.—The Commissioners met, and the Attorney-General was called, but did not appear.

Mr. ATWOOD.—“Mr. Secretary, let a minute be made that it appears to this court that the Attorney-General hath neglected his Majesty's service. It is no wonder the people here condemn his Majesty's authority, since the Attorney-General, though commanded to prosecute by the Government, hath neglected to do the same, and hath given a judgment and opinion directly contrary to the Lieutenant-Governor and Council.”

The whole of the petty jurymen on the pannel, except five or six, were Dutchmen, or of Dutch extraction and education, most of them mechanics, and extremely ignorant of the English law or language.

Mr. ATWOOD.—“Mr. Jameson has refused to purge himself of signing those addresses, and is *particeps criminis*, for which reason he cannot be allowed to be an evidence.”

On Monday, March 9, the prisoner was brought to the bar, and the jury sent for. They were asked if they were agreed in their verdict? They answered they were not, but desired some direction of the court. Jacob Geolet appeared as foreman of the jury, and read some notes of what he said the witnesses had sworn: which were denied to have been sworn by the counsel for the prisoner, who prayed Mr. Atwood to satisfy the jury of the truth of the evidence. To this he answered, he could not do it after the charge given, but affirmed, that it was no new thing (as some pretended), after charge given to satisfy the jury in some matters of

law; and told that he had received letters from the jury, and answered them, which answers were only his private opinion! That if they were under any difficulty whether the matters of fact alleged in the indictment, and which were proved to them, were treason, or no, they might find the prisoner guilty, who had his advantage in moving an arrest of judgment, and might be relieved as to matter of law. Upon this the jury found the prisoner *guilty*. The arguments of the prisoner's counsel, Mr. Emot, in arrest of judgment, were overruled. In support of those arguments, the prisoner said:

"None of the witnesses say, that in the said address the Assembly was called unlawfully, but only that the speaker was an alien: nor that the Lieutenant-Governor was bribed, but tempted; nor that the Government was in the hands of hot and ignorant men, but that hot and ignorant men were put in offices, and that thereby the Government was like to be rendered cheap and vile."

After much debate and frequent adjournments of the court, the usual judgment in cases of *high treason* was pronounced March 13, the trial having begun February 21.

Alderman Hutchins, of New York, was tried, convicted, and condemned of high treason, for the same facts with which Colonel Bayard was charged, and had the same usage both before, in, and after his trial.

Lord Cornbury, the succeeding Governor, not only gave his consent to an act for reversing both these attainders, but procured the Queen's confirmation of it.\*

The ordinary law of libel would have enabled the Government of New York to immure these innocent persons in prison for years: but an act of the Provincial Assembly of 1691, confirmed by the King, making an endeavour, by whatever means, whether an honest petition or a sorry pasquinade, to disturb the peace, good, and quiet of the Government, high treason, afforded them the means of murdering them with the sword of the law! The treason acts of Henry VIII., and of Philip and Mary, were not much more *atrocious* than this act of a colonial legislature in the reign of William III.!

#### FROM THE ARABIC.

Nor always wealth, not always force  
A splendid destiny commands;  
The lordly vulture gnaws the corse  
That rots upon yon barren sands.

Nor want, nor weakness still conspires  
To bind us to a sordid state;  
The fly that with a touch expires  
Sips honey from the royal plate.

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\* 14. State Trials, 171—516. Smith's Hist. of New York, 103.

DISMANTLING OF BHURTPoor—RECAL OF LORD AMHERST—  
INDIAN PRESS.

THE following recent communication from a well-informed Correspondent in Bengal, by one of the last arrivals from India, deserves a more prominent place than among the ordinary details of News. It presents subjects of reflection which it would be advantageous to the authorities at home to investigate before it is too late. The writer says :

‘ In my last I informed you that the siege of Bhurtpoor was, as the Americans would say, *progressing* slowly, and that there were some reasons to be apprehensive for the event. What a pity that so much ingenious speculation should have been thrown away ? At the moment of writing that letter, Bhurtpoor had already been taken, and it had not been sent off three days when the news of our brilliant success arrived. It happened, however, just as I had foreseen : the remaining forts in the disturbed districts surrendered at discretion, though, in point of fact, our army was quite incompetent to undertake another month’s siege. The opinion which the natives of Hindoostan had formed of Bhurtpoor led them to imagine that no place had any chance of resisting us when that was taken, and, to speak the honest truth, it was to the blind confidence they had in their strength that our success was mainly owing. They neglected to fill their ditch with water, a task which might have been executed in three days before the army sat down before the place, and which, if they had executed, I believe there is not an engineer in India bold enough to say that we should now have been on the inside of the walls. The defence of the place was, in fact, left to the day of assault, and though the struggle was then a desperate one, (notwithstanding the attack having been made by surprise,) we had received access on too many points to apprehend repulse on all. The event, however, was creditable to the gallantry of both parties ; and if it offered one more proof, if proof were wanting, that British valour and discipline have a sure triumph where the obstacles offered were surmountable by human exertion, still the loss of thirty-five officers and a thousand men, in a siege of less than a month’s duration, is sufficient to show that such obstacles may in time be increased beyond our ability to cope with them. How far they would have been so in the present instance, but for the merest chance in the world, the exposé which no doubt will be made of the operations in question, will give us ample means of judging.

‘ Conversation now turns chiefly on the mode of disposing of the booty, and the propriety of levelling this once proud fortress with the ground. On the former, however, the principal law-officers are



on our side; and certainly if our sway over these regions *must* be affirmed, it is salutary to make the penalty of disobedience felt as widely and as deeply as possible. If, in confiscating the Rajah's property, we impose a monstrous tax upon his people to replace it, the justification is, that not one of his subjects but was heart and hand ready to oppose us, and to contribute their means to his armed men for that purpose. This is very true; but then comes the question, was it not right, was it not noble in them to do so? We interfere in their concerns by no other power than that of the strongest party; but in proportion to the difficulty we had in proving that we really were so, is likely to be the vindictive spirit with which we shall punish them for doubting it.

'It is in a spirit of this nature, which, by the way, has now in all things become a characteristic of this Government, that the fortifications of Bhurtpoor are ordered to be destroyed. Let the motive, however, be what it may, the expediency of the act may well be questioned. The place, as it now stands, ought to fall, before the means which our science and maturity of strength offered us, in ten days; but we have seen that, after twenty years' quiet occupation of the neighbouring territory, our Government was not able to bring more than forty pieces of battering-cannon against it, and that, in consequence, the defence was protracted to a month. Now, supposing an army chiefly composed of Russians to invade Hindoostan, it is reasonable to believe, that on reaching the plains of Bhurtpoor, they would not be much better provided with the means of attack than the Bengal Government were, after meditating the capture of the place for so many years. Bhurtpoor, then, even with a Native garrison, would arrest an invading army for one month. But, besides the advantage of having a regular garrison, the place in our hands might be made one of great strength; its size is such as to demand at least a hundred thousand men to invest it regularly and carry on the siege at the same time. We, it is true, boast of having interrupted all who attempted to escape; but still our line of investment was such as to have been easily attackable by an enterprising and disciplined garrison. The immense size of the place, too, besides giving shelter to a force which an invading army would not dare to leave in its rear, confers upon it advantages in point of construction which perhaps few places in the world, situated in a plain, will be found to possess. The angles of the polygon are so open that all the resources of art may be put in practice to fortify them; for after all the superiority of the attack, even the defence of any point is only a practically scientific elucidation of the King of Prussia's maxim, that success is always on the side of the strongest battalions. In the attack of a salient angle of any fortified place, for example, the two parties are ranged in concentric circles, but the attack being the outer one, and consequently the most extensive, has for that reason the greatest advantage. The superiority of the attacking

party, therefore, becomes less as the salient point to be defended becomes more open or obtuse, till, on a straight line, they may be said to be on an equality, and when the line to be defended is re-entering or concave, matters are reversed, and the attacking party has decidedly the worst of it. Now, viewing the affair in this light, Bhurtpoor might be made a place of immense strength; even as it now stands, there are not above three points at which it could prudently be attacked, and these, with very little trouble, might be so strengthened as to render them formidable even against the best troops in the world. Then, there are two other considerations relating to Indian fortresses, and particularly to Bhurtpoor, which may well set the speculating heads of your Pasleys and Malorties to work with a view of ascertaining how far they may be made conducive to the noble science of defence. The first is the stupendous nature of the works themselves. To look at the fortifications of Bhurtpoor, you would think they had been erected in those days of unlimited command over life and labour which produced the pyramids of Egypt or the Chinese wall; they are so lofty, that the place has all the advantages of one situated upon a moderate eminence without the inequality of form and contracted interior space, which are the inconveniences commonly experienced in such cases, and so thick that I doubt whether a breach made in them with cannon would ever be assailed with effect if well defended. The other point is the nature of their guns. I saw a piece, the ball of which I am sure must have weighed at least a hundred pounds. It carried, the engineers told me, more than two miles and a half; and yet such was the quantity of metal in it, that it had no sensible recoil; and so nicely was it poised on its carriage, that a child might have directed it. It is clear, that a gun of this kind might be so placed as to be quite out of the reach of our fire, and that, moreover, instead of requiring the broad rampart that ours do, it might be perched up on the loftiest tower, and fire away, unmolested by any thing but shells, a thousand of which might be directed towards it without effect. But enough of this celebrated fortress. I hope, however, the subject will be shortly discussed by scientific men, when I doubt not sufficient will be said to convince our most thinking public of the folly of destroying a place that might easily afford us the means of concentrating forty thousand men, and stopping the march of at least four times that number for three or four months; or until Time, our best friend, brought his attendant seasons to our relief.

‘The other principal subject of conversation in this our Babel is at present the removal of our Governor-General. All parties appear to think that measure expedient, but they differ as to the propriety of the motives assigned. Lord A. himself says the Court has treated him---to use the expression of a friend of the family---in a *blackguard* manner. But, it may be asked, what right had he

to expect better treatment from people who imposed those conditions upon him under which he consented to take his appointment? He was his own enemy in subscribing to them; and it were to be wished that every man who can so meanly truckle his independence for power and pelf should be rewarded with the like mortification. It is said, that one cause of his removal is his not having redressed the grievances of the army, as made known by the Court of Inquiry consequent on the Barrackpore mutiny; but, it may be asked, if he had raised as many regiments as would have relieved the soldiers from the immense portion of extra duty which they now perform---if he had abolished the odious distinction between sonat and sicca rupees, by which both officers and men lose four and a half per cent. of their pay in Bengal---and if he had directed that the Commissariat should be a mercantile speculation, by which Government made money by the distresses of their servants, would the *Honourable* Court have been satisfied with him? Trust me, no---nothing of this was the cause of his removal; but as Swift tells us that the intrigues of a chambermaid caused a change in the affairs of Europe in his time, so the complaints of some discontented salt or other agent, the representative of some iron or other monger, in Leadenhall-street, have changed the destinies of Bengal. It is said that Lord Amherst is of a most obstinate turn of mind in some points---how this may be I know not; but certain it is, that all the important acts of his administration have been entered upon with and by the advice of certain of his secretaries, men who, with all the irresponsibility which they derive from their obscure names, have all the real arrogance of responsible advisers, joined to the partialities and antipathies so likely to take their rise in such a pestilential sink of influence and egotism as Calcutta. Lord Amherst began by being his own minister---by satisfying himself upon every point before he made known his decision; but this plan gave a great deal too much trouble to the class of functionaries just mentioned: they were restive, and would give no information till after a species of cross-examination, so that his Lordship soon grew tired of the process, and, flying from one extreme to the other, threw himself entirely into their hands. Hence the whole calamities of his reign. Calcutta is full of expert office people---men who have the details of their departments at their fingers' ends, and who, finding that with the assistance of their clerks they can soon despatch their business, think that they cannot better bestow their leisure time than by conferring together for the benefit of the state. Here men wander from office to office, echoing the opinions of the Coryphæus of their party---inflating his pride, and pronouncing this or that man "very unfit," disposing of vacant places, creating new appointments, and, in fact, laying open all the measures of Government, long before the Governor-General and his council---good easy men---have thought of discussing them. All this is perhaps inseparable from the nature of the machine by

which the motions of this Government are regulated ; but it shows the necessity of having a man of commanding genius to direct it.--- Such a man is not Lord Amherst certainly : but it is difficult to know how such a man will be found to accept the appointment, until the Court of Directors have been compelled to atone for their infamous treatment of certainly the ablest, and, even *they* will not deny, the most *productive* of their Governor-Generals, Lord Hastings.

‘The only remaining object of interest to you that I can think of, is the Press. It will be some consolation to you to hear that it is most contemptible, for some reform must be given or permitted. The ‘*Hurkura*’ whines a good deal lately about what it calls your unfair extracts from its columns, and says, that if you had turned over its files, you would have seen what its real sentiments were. Such nonsense !---who would be at the trouble to turn over its files in England, or, indeed, any where else ? Besides, it has had editors of every shade of political subserviency since the press regulations were established ; and amongst these, who is to pick out “the gentleman” under whose direction the extract alluded to was inserted ? The fact is, there is no paper with any pretensions to independence but the ‘*Columbian*.’ The ‘*India Gazette*’ is positively, I will not say unprincipled, because that argues principles of some sort, however bad,---but without principles at all : it has lately been talking a great deal about the indelicacy of certain letters signed *Caius*, commenting upon Lord Amherst’s recal ; and, in answer to some cutting remarks of the ‘*Columbian*,’ it says, “we have cautiously avoided the subject of the Calcutta press, because the regulations of Government bear upon *us* in a manner that they do not on our contemporaries.” The editor, to wit, being an assistant-surgeon on the Establishment, and having *lately* received some appointment in the Mint-office. Now this, if meant as a cutting sarcasm upon the apprehended vindictive meanness of Government, as well it might be, would not be without its effect ; but no—it is written with all the unaffected sincerity of abject submission, and of a determination not only to avoid the roughnesses of his editorial path, but to pick out the smoothest possible way to transmit his *grateful* respect to the high individual, &c. &c., for his *liberality* to the Press !

‘Amongst the reports now current is one, that Lord Hastings was offered the government ; but replied by asking if the Court meant to *insult* him by making such a proposition after their late treatment of him. I do not, of course, believe a word of it ; but the prevalence of the report may serve to show what the public in this quarter think of these matters. No ; Lord Hastings would not do now : it would require a complete revolution in Calcutta before he could quell the ferment which his re-appearance would occasion. The civil servants hate him most cordially, for his habitual disregard of their overblown pretensions, and, in particular, for his high

contempt of mystification of all kinds: he was, indeed, one of those "apud quos vis imperii valet inania transmittuntur." He looked to the exercise of undoubted power, not to mere form, and this they never could pardon in him; for as their utmost merit is to be "par negotiis neque supra," the less light is thrown upon their avocations the better for their character for ability.

As to the military men, I do not think they care much about the matter: if his Lordship could bring out powers to regulate their promotion, so as to prevent their eternal supercession by the officers of his Majesty's forces, he would be welcome, otherwise his advent would be of little consequence to them.

UNPUBLISHED MANUSCRIPTS OF A TRAVELLER IN THE EAST.

No. XV.

*Voyage from the Coast of Asia Minor to Egypt.*

HAVING completed all my arrangements for the voyage to Egypt, I embarked, at eight o'clock, on board a ship of war, then lying in the Bay of Smyrna. Soon after this we were under all sail, and, after clearing the Bay, reached the harbour of Vourla, about 4 P. M., where we anchored abreast the Fountain, to complete the ship's water previous to her sailing for Alexandria.

While the crew were engaged in the duty of watering, I joined the captain in an excursion on shore. It was now, at the end of August, the season for gathering in the vineyards; and we found most of the peasantry thus employed; when, pursuing our walk up the hill, we arrived at a Turkish village. For some time, however, not a human being was to be seen, even though we entered some of the houses, until the barking of the dogs, by which we were surrounded, at last brought one of the peasants to us. The situation of the village was healthy and agreeable, commanding, from the brow of the hill, a very extensive and variegated view, including Cape Carabourna to the north, and the city of Smyrna to the east, reaching to the mountains of Magnesia, and completely overlooking the cluster of small islands that stud the southern coast of the Gulf. Below us, also, a Turkish mosque was very romantically seated in a luxuriant dell, and reared its slender minaret above the melancholy cypresses of an adjoining cemetery.

Of the dwellings themselves it is almost impossible to convey an adequate description; they were huts of about twelve feet square, built with mud walls and flat roofs, containing

only one room, of from eight to nine feet high, having a fireplace at one end, a small grated window, without either shutter or glass, and a door just large enough to squeeze through. In one of them, which we entered, was a rudely constructed loom, where some very coarse cotton cloth was in the progress of being woven, but now deserted, most probably on account of the labours in the vineyard. Around the earthen floor were scattered shreds of dirty rags, fragments of broken vessels, melons, and mixtures of every kind of filth that could offend the senses. We had quitted it in disgust, and were proceeding across the plain, toward the sea-shore, when a Turk, beckoning to us, we returned with him to his house, and purchased some eggs, which were brought us by his wife, a woman of very agreeable features, and, apparently, not more than half the age of her husband. It was curious to witness how equally the poor creature was divided by a wish to expose her face to us, and a fear of offending her lord. The former, however, at length prevailed, and she managed it with peculiar adroitness, exchanging smiles with great freedom over her husband's shoulder, while he was counting the contents of his basket, and assuring us, as distinctly as she could do, how much her wishes and her circumstances were at variance.

We embarked at the watering fountain about sunset, and retired early to recruit the morning's fatigue.

Although our watering was completed, the wind had increased during the night with such violence that the vessel dragged her anchors repeatedly, and it being impossible to weigh or make sail, we passed the following day, of tedious suspense and listless inactivity, in the harbour of Vourla.

During the next night the gale had increased considerably, and early on the following morning a boat was discovered entering the harbour, which soon ran alongside of us. It was the launch of the English frigate commanding on the Smyrna station, with the master, a midshipman, and seventeen men, who had left Smyrna on the preceding morning, on a surveying cruise; but, being forced by the gale to abandon their course, they had taken shelter under the lee of one of the small islands, and passed the night in a cave, with a gentleman who had been weather-bound for several days there, on his passage from Scio to Smyrna. Perceiving us at anchor here, this morning, they had steered towards us, and were come to ride out the gale in company.

After dinner, I joined the naval officers in a walk on shore as far as the coffee-houses at the Vourla Scala, returning about an hour after sunset to the little bay in which the frigate's launch was anchored to take shelter from the gale.

Two tents having been rigged by the sailors to pass the night in, we entered one of them to take a temporary repose from the fatigues of our walk. The scene was highly romantic, and though a broad expanse of sea was before us, the horizon was beautifully skirted by bold and irregular mountains. We formed a circle on the grass, and the young moon was the only light except the faint assistance of a fire kindled by the sailors on the heath, just before the opening of the tent, for the purpose of cooking their provisions. The men themselves were formed into little detached parties around the blaze, enjoying the tale of battle and the song of prowess, which added greatly to the interest of the scene.

We had remained on shore till past midnight, when we re-embarked, under the hope of moving on the following morning, but the violence of the gale still prevented our getting under weigh until the succeeding day, when the weather having moderated, the crew were early in motion, and we were under sail before eight o'clock.

The wind freshening as we opened the gulf, and blowing right in our teeth, we continued beating under reefed canvas, and passed at sunset near the castle of Foges, a small contemptible Turkish fortification on the northern shore.

Passing Cape Carabourna in the night, we bore round the north end of Scio, going between that island and Ipsara, with a flowing sheet, and with the aid of a fresh breeze we were at noon in the Tino channel. At 2 P. M. we spoke a King's schooner, bound to Messina, with a merchant brig under convoy; and soon after bore up for the island of Milo, where we intended landing our pilot, and taking on board one for the Egyptian coast.

On approaching the island, when within sight of the town, a signal gun was discharged and the union flag was hoisted at the fore-mast, and kept flying until sunset. Having moderate weather, smooth water, and fine moonlight, we stood in close under the land, repeating guns and rockets in quick succession until past midnight, and tacking, wearing, &c. as occasion required, until the pilot reached us.

It was three o'clock on the following morning before the boat left us, when we made sail again and were soon out at sea.

The weather was delightfully fine and a steady breeze brought us, by noon, in sight of the celebrated Cretan Ida, or the mount of Jove; still towering its venerable head above the clouds, as if in conscious majesty. It awoke a thousand classic recollections, which I willingly indulged, as we coasted along the shore of Candia. The breeze freshening after noon, we passed at midnight through the passage formed by Cape Janissary and the small island of Scarpanto.

Blowing a fresh northerly gale through the night, we were going nine knots under the fore-sail and double-reefed top-sail only, and at noon had no land in sight. Towards evening the wind gradually fell off, and it became almost calm. As I was without books, I sought amusement from a conversation in Italian with our Greek pilot, on the local customs of the islands in the Archipelago, from which I derived more entertainment than I had anticipated; the general intelligence and lively manners of the maritime Greeks especially, rendering their conversation eminently attractive and agreeable.

Moderate breezes and fine weather still continued, the temperature growing warmer every hour. The change, indeed, was much more rapid than I should have expected from so trifling a decrease of latitude, and must have been augmented by approaching towards a hot continent. I was variously employed through the day, and the night affording a refreshing contrast to the sultry morning, I walked on deck until a late hour.

Running under all sail, on the 9th of September, just ten days after quitting Symrna, we made the Egyptian coast about 2 P.M. to the westward of Alexandria, in the bay of Cape Rosa, and hauled our course more easterly, when, at sunset, finding no probability of reaching the port before night, we shortened sail, and stood off and on, to keep our station until morning.

The whole of the coast appeared low and broken, with long beaches of white sand on which a heavy surf rolled in breakers; the colour of the water was a pale green, and from twenty to thirty fathoms deep, with an oozy bottom.

From the pilot's ignorance of a current generally setting to the westward here, we had stood an equal time on the two opposite tacks, and found ourselves at daylight still farther westerly than at the moment of our shortening sail.

Sounding in forty-five fathoms, we made sail again at sunrise and closed in with the Egyptian coast, which was everywhere low and sandy, and has been most appropriately compared to a white ribbon binding the blue horizon of the sea. Nothing can be conceived more naked, barren, or desolate, without a tree or habitation to give relief to the monotony of this sterile scene. Coasting the shore at a distance of not more than five or six miles, the only object we perceived upon its sandy solitude was a square pile of building, which our pilot informed us was called the Arab's Tower; but whether that appellation was given to the pile itself, or a small tower near which it stood, we could not learn. Denon, from considering the former populousness and importance of this part of the coast, and the bulk and extent of those remains, seems disposed to admit the antiquity of their origin, by suggesting the queries, whether it is the Taposiris of



the ancients, which Procopius describes as the tomb of Osiris; or the Chersonesus of Strabo; or lastly, Plinthine, whence the gulf derived its name?

The breeze was so extremely light that we made a very slow progress, and it was sometime before our seeing Alexandria that the column usually called Pompey's Pillar proudly reared itself above the eastern horizon, and was for nearly two hours the only perceptible object to mark the site of the expected port.

At length, as the breeze grew fresher, the city rose rapidly to our view, and soon after noon, we were abreast of the fortress which commands the entrance to the new harbour, in which we anchored about two o'clock. Its appearance from the sea was most interesting, and to all the rapid impressions which new scenes and new countries force upon the mind, was added the remembrance of those august conceptions which are inseparable from the names of Alexander, Pompey, the Ptolemies, Cæsar, Antony and Cleopatra.

But what was the effect of the real picture which presented itself to our senses on landing? I shall retain it in my recollection for ever. A city formed to be the emporium of the commercial world, and the seat of wealth and enterprize, presenting wretched poverty and squalid misery in every street. The empire cemented by arms and science, dissolved by imbecility and barbarism; and the spot that once witnessed the reign of pleasure in every form, now trodden on by meagre want and groaning slavery.

I had the good fortune to be well received by the British Consul, whose hospitality is proverbial; and passed the remainder of the day in the agreeable society of his family.

The consul having proposed a morning walk around the environs of the city, we arose before day-break, and being joined by some of the officers of the ship, proceeded toward the celebrated column, which, amidst all the controversies relative to its origin and use, still retains the name of Pompey's Pillar, although it has been successively assigned to Pompey, Septimius Severus, and Dioclesian.

After passing two or three hours in the examination of the surrounding ruins, visiting the canal which brings the waters of the Nile to Alexandria, ascending the heights raised by the French as fortified holds during their last campaign here, and enjoying from thence an extensive view of the old and new ports towards the sea, and the Lake Mareotes behind the city, we returned home.

A singular club had been formed by the French inhabitants of this place, under the title of the Bucolicanic Association, at the head of which was a king and queen, resident at Grand

Cairo, a prince regent at Alexandria, with princesses, dukes, duchesses, generals, admirals, ministers of finance and police, counsellors of state, and, in short, every officer known under a well-constituted regal government. The object of this grand coalition, as its name imported, was the innocent amusement of enjoying the good things of this world in rural parties; and the anniversary of its foundation being celebrated to-day, I formed one of the party as a visitor. Although we dined early, ample justice was done to the honor of the institution; and when we returned in the evening, we were all fatigued with the excessive mirth which had prevailed at the festive meeting.

On the following day, I joined a party in a walk round the new walls of Alexandria, lately built from the materials of the ancient walls by the present Viceroy of Egypt, Mohammed Ali. Nothing can be imagined more contemptible than the whole of this work, and its total inadequacy to answer the purposes of defence, although constructed at an immense expense, and esteemed by the sagacious Turks here as invulnerable.

In traversing this space, I had a complete view of the site of the old town; and, it is remarkable enough, that the description of Volney, written before my birth, is as applicable to its present state as to that of the moment in which he saw it.

As we had not completely finished the circuit of the fortifications on our first day's perambulation, we resumed our walk on the following one, and passed entirely round the walls. On reaching the principal fort, and the only one indeed which was guarded, the Turks invited us to pass through, as if conscious of our paying a tribute of admiration to their skill in military architecture. It was nearly sunset, and, as during the fast of Ramadan, they taste nothing until that hour, a table was spread with an omlet of eggs, bread, &c., upon the ground, and the soldiers were waiting with impatience the expiration of the few minutes that had yet to elapse. At the instant that the evening gun announced the decline of day, devotees were to be seen at prayer all around us; and, these hurried through, they hastened to forget the mortifications of the day, in the excesses of the night, which, during the Ramadan, is always given up to pleasure.

Among other objects that amused us in the course of our walk, were two sculptured animals set up by the Turks to ornament the ascent to one of the principal batteries. It was difficult to conjecture what they were intended to represent, except that they were quadrupeds, or to imagine the motive which induced the execution of such grotesque figures, unless it was in conformity to the Mosaic command, which prohibits men from making any graven image in the likeness of any thing in heaven or on the earth, or in the waters under the earth.

Having a wish to make another visit to Pompey's Pillar for the purpose of finishing my observations there, as well as to examine, with more attention, the apparent theatre near it, I joined the Consul in an early walk to the spot; and, after remaining there about two hours, returned gratified with the investigation.

Taking an early breakfast, I joined a party formed for the occasion, in an excursion to the Catacombs and Cleopatra's baths. Walking to the western harbour, we there procured a boat, and, being provided with lights and fire-arms, we embarked, calling alongside a Venetian vessel in the way to borrow a log-line, all of which were necessary for our researches. Lights to enter the excavations, fire-arms for defence against the animals that formed their dens here, and a line to trace the way out of its intricate chambers. We landed about two miles to the westward of the town, opposite to the entrance, which is close to the sea shore, and is through a small aperture in a rock very rudely executed. The rubbish of sand and earth had so accumulated, that in many places it was difficult even to crawl along with a light in one hand and a pistol in the other; while in others, we passed through small holes, recently cut for the purpose of communicating between the chambers, where a stout person could not have entered. All this difficulty and inconvenience was, however, at length, repaid, by our gaining access to a very beautiful circular temple, surmounted by a finished dome.

Pococke has done justice in ranking these subterraneous chambers among the finest that have been discovered, and, in particularising the circular one as extremely beautiful. As far as we could conceive, the plan of the whole, after tracing (by the log-line) every avenue, which was not absolutely inaccessible from the rubbish, it appeared that this circular apartment was the centre of the whole, as from it branched out four wings at right angles, leading into other chambers, and these communicating again with other square ones, for about half a mile each way from the centre. Every part of it was hewn out of a solid grey friable rock, the ceilings partially arched, and the pillars square, with doric capitals. The entrances from one room to another are executed in the best taste, and with the truest proportions, each of them being surmounted with a doric entablature, and the triglyphs and mouldings beautifully finished. In several places the work appeared to have been abandoned in its progressive state, but, in one particularly, the form of an entrance exactly corresponding to the others was marked out in red paint, and but just begun to be worked on with the chisel. Some of the ceilings were octagonally divided with red lines, as if intended to be still further ornamented. It was nearly mid-day when we returned to the entrance, fatigued and dirty,

but very amply compensated for our pains. We saw no animals on the inside, but the remotest chambers were filled with the bones of camels, foxes, jackalls, &c., and some of them yet retaining flesh; sufficient evidence of its being the haunt of carnivorous beasts, who were, perhaps, hidden in those apartments which were inaccessible to us.

The baths of Cleopatra are very near to the spot, and are chambers of about twelve feet square, hewn also out of the rock, and receiving the sea through channels once covered, but now so broken by the beating of the waves, as to form a most romantic picture of marine scenery.

The materials collected during the several excursions and researches in the environs of this ruined city, with the reflections and investigations connected with their result, will be arranged and embodied in a separate article to follow these narrative details.

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THE HARDWICKE FAMILY.

*To the Editor of the Oriental Herald.*

SIR,

September 13, 1826.

THOSE who recollect the literary attainments of the Hardwicke family, especially as discovered in the *Athenian Letters*, will not be surprised that their private friendly correspondence should afford many passages well worthy to be preserved and illustrated.

The three letters, which here follow those by the late Lord Hardwicke, were written by his brother, the Honourable Charles Yorke, one who shared the talents, and their successful application common to his family, but who was distinguished from the rest, by the awful and affecting termination of his honourable, and hitherto fortunate life.

Charles Yorke, the second son of the Lord Chancellor, was born in 1725. In 1746, he was appointed *purse-bearer* to his father. In 1754, he had become M.P., Solicitor-General to George Prince of Wales, (the late king,) and Counsel to the East India Company. Two years afterwards, he was advanced to be Solicitor-General to the King, (George II.) till, in 1762, he became Attorney-General. This office he resigned the next year, apparently from dissatisfaction at the administration of Lord Bute.

To the author of 'The Nomenclature of Westminster Hall,' annexed to 'The Biographical History of Sir William Blackstone,' I am indebted for these dates of advancement. He says, (p. 15.) "that Mr. Yorke, upon quitting the office of Attorney-General,"

(in 1763,) "attended at the outside of the bar of the court, and in his common bar gown, having disrobed himself of his silken gown, by throwing up that leading office." This writer subjoins the following note :

"I was present in the Court of Chancery, when the *Honourable* (for the motive of his resignation made him *honourable*, as well as his birth and family) Mr. Charles Yorke thus appeared, and the gentlemen without the bar complimented him with their right of precedence and pre-audience."

In 1765, he was re-appointed Attorney-General, though again only for a short period, as I find that office occupied, in 1766, by another legal aspirant. During the next four years, he appears to have pursued his profession of a barrister, till 1770, when he unhappily accepted the seals, on the dismissal of that liberal-minded politician, Lord Camden; "tyrannically forced out of his office," says *Junius*, "not for want of abilities, not for want of integrity, or of attention to his duty, but for delivering his honest opinion in Parliament, upon the greatest constitutional question that has arisen since the Revolution." The persuasions, which at length prevailed on Mr. Yorke to sacrifice his political principles, and to desert his party, are thus charged by *Junius* on the late king: "After a certain person had succeeded in cajoling Mr. Yorke, he told the Duke of Grafton, with a witty smile, 'My Lord, you may kill the next Percy yourself.' N.B. He had but that instant wiped the tears-away which overcame Mr. Yorke."

Mr. Charles Yorke was "appointed Lord Chancellor, on January 17, 1770, and created a peer, by the title of Baron Morden, but died *suddenly*, on the 20th of the same month, before his patent was completed;" a chancellor of three days. The account commonly related at that period, and seldom, I believe, discredited, was, that when the new chancellor called upon his brother, the late Lord Hardwicke, he refused to see him, from resentment of what he regarded as a political apostacy. The chancellor went home, and, probably overcome by self-accusation, he prematurely sought that retreat, "where ev'n the great find rest."

Their tears, their little triumphs o'er,  
Their human passions move no more.

"It is said, his Lordship's death was occasioned by the bursting of a blood-vessel," is the account in the 'Annual Register' of that year. His son, Philip, born in 1757, is the present Earl of Hardwicke.

The first of Mr. Charles Yorke's three letters, written when he was a young academician, contains a very severe stricture on the character and conduct of Lord Bacon. These it may be not unedifying to compare with the milder censure expressed in the next letter, written twenty years later, when the writer was occupying

one of Lord Bacon's preferments; and had found, no doubt, in the commerce of the world, far less influence than he had expected of "certain pedantic notions about right and wrong," to adopt an expression of the great Dr. Barrow.

The reference in the last letter to the library "at Holkham" excites curiosity to learn how far it has been indebted to the law-learned ancestor of the present liberal-minded possessor. We know, from a passage of Lord Coke, to which there is a reference in one of your early volumes, that the Lord Chief Justice would sometimes relieve his severe studies by a "a ramble among Dido's deer."

To your next Number, I propose to send the last communication of Letters from the *Hardwicke Family*.

OTIOSUS.

To the Rev. Dr. Birch.

DEAR BIRCH,

The volume I mean is that which contains the letters writ about the time of the treaty of Edinburgh.\* I have a kind of demand upon you for a visit to Wrest,† which you gave me room to expect, when you declined my former invitation. I will send the chaise for you to St. Alban's any day in this or the next week. I shall be in town early in November.—Yours, in haste,

P. YORKE.

Wimble,‡ Oct. 14, 1753.

To the Rev. Dr. Birch.

MASTER DR.

Friday Night, January 27, 1758.

I am engaged to dine abroad on Monday, which I know you think no *sin* on that day, but shall be glad to see you at breakfast

\* In 1560, between Francis II. and Mary of France and Scotland, and Elizabeth of England. "Que animos maxime ad studium pacis inflecterent," says *Buchanan*, "hæc erant. Galli omni spe auxilii præcisa comæatibus indies aretioribus, ac non dire suffectoris, prope in extremam desperationem erant conjecti: et Angli diuturna obsidione fessi nihilominus quam Galli inopes omnium rerum finem belli cupiebant. Scoti etiam, ut qui sine stipendiis militabant, ideoque difficiliter in castris contineri poterant, libenter concordie mentionem audiebant. Ita maximo tandem omnium consensu octavo die Julii anno ab humani generis redemptione 1560, pax est promulgata."—*Historia*, lxxvii. c. 1.

All parties were now inclined to peace. The French were in a hopeless condition, with provisions nearly exhausted and in despair of relief. The English, wearied out with a long siege and alike destitute of provisions, were anxious to put an end to the war. The Scots too, whose soldiers were without pay and hardly restrained from desertion, eagerly listened to the terms of an accommodation. Thus, by the good will of all parties, a peace was proclaimed, July 8, 1560.

† The seat of the Marchioness Grey, whose daughter Mr. Yorke had married.

‡ The seat of Lord Hardwicke, near Royston.

as usual. Pray send me, by the bearer, your letter to to Sir D Dalrymple about Gowry's plot,\* and the extracts from Nicholson's letters, if you have copies of them, and likewise your letter to show the genuineness of Queen Mary's Love Letters.† You may have my clerk's assistance at Mountague House‡ when I do not want him; but to-morrow morning he will be taken up with me,—Your assured friend,

ROYSTON.§

P. S. I have received from Holland the extracts of Sir Dudley.|| They are translating the collection into French and Dutch. There is a pleasant mistake in the article.

*To the Rev. Dr. Birch, at the Royal Society, Crane Court.*

DEAR BIRCH,

St. James's Square, May 24, 1761.

If you see Mr. Hollis¶ at the Society,\*\* I beg you will thank him from me for his elegant present of prints, which I received before I went last to Richmond; I presume he will accept my acknowledgments for them, as they could come from nobody else; but the present was anonymous, and a note sent with it only to desire a place in a *porte feuille* for the prints.—Yours sincerely,

HARDWICKE.††

\* In 1582, to seize the person of James. See Dr. Robertson's 'Scotland,' b. vi.

† Dr. Robertson says, that "the only certain intelligence concerning them, since the time of their being delivered to Morton, (in 1567,) was communicated by the accurate Dr. Birch." Dr. R. also mentions, as "among Lord Royston's papers, a series of letters from Mary to the Duke of Norfolk, copied from the Harleian Library." See 'Dissertation' annexed to 'History of Scotland,' (1776,) ii. 41, 42. These 'Love Letters' were published a few years since.

‡ The British Museum.

§ His father had become Earl of Hardwicke and Viscount Royston, in 1754.

|| "The letters to and from Sir Dudley Carleton, during his embassy in Holland" from 1616 to 1620, had been published in 1757, by Lord Royston, "with an historical preface." There was a second edition in 1775. See 'Biog. Brit.' (1784) iii. 249.

¶ Thomas Hollis, a munificent patron of learning and science, and of the most liberal political principles. Indifferent to personal gratifications, he devoted a handsome fortune to advance those invaluable objects. To him the public are indebted for the best editions of Milton, Sydney, Ludlow, and Locke. New England is also largely indebted to Hollis, for very liberal donations, after the manner of his ancestors, to Harvard College at Cambridge, near Boston, where, in 1764, "a new College edifice, in honour of the Hollis family in England, was named Hollis Hall." See Dr. Holmes's 'Annals,' ii. 225. The 'Memoirs' of Thomas Hollis, with splendid decorations, were published in 1780, by Archdeacon Blackburne.

\*\* Of which Dr. Birch had become one of the Secretaries in 1752. In 1756, published his 'History of the Royal Society.'

†† The first Earl of Hardwicke died in the March preceding.

DEAR BIRCH,

Richmond, Aug. 31, 1764.

Sir Joseph \* has laid his hand on some 'Anecdotes Russes,' all the late transactions in that country,† which he promises to send over for our amusement. It will be very scarce, as the Russian Court take all measures to suppress it.

I have bought of Nourse two volumes of Villaret,‡ two of Louvois' 'Letters. Pray has *le bon Dr. Maty*§ obtained his furlough?

Yours sincerely,

HARDWICKE.

DEAR BIRCH,

Richmond, May 31, 1765.

I have just received yours of yesterday, and am glad you have made so considerable a progress in digesting my father's papers.||

\* Sir Joseph Yorke, K. B., (third son of the first Earl Hardwicke,) who was, for several years, ambassador at the Hague. He was created Baron Dover, in 1788, and died in 1798.

† The dethronement and consequent murder of Peter III., husband of the celebrated Catharine II. "A conspiracy was entered into, the army gained over, and June 27, 1762, Peter, after signing a renunciation of his crown, was sent prisoner to the palace of Robscha. On the 17th of July, Alexius Orloff, the Empress's favourite, with some other conspirators, assassinated Peter. It was proclaimed to the nation that the Czar had died of a cholera."

Paul, his son, on succeeding to the throne, in 1796, honoured his memory with a public funeral, obliging the survivors among the reputed noble assassins of his father to walk by the side of the coffin.

A second barbarous transaction had just occurred. Iwan had the misfortune to possess a claim to the throne of Russia, and was declared Czar in 1740. In little more than a year he was dethroned, and imprisoned till July 16; when he was assassinated by his royally commissioned jailor. Lord Hardwicke referring to this subject, a few days later, thus writes to Dr. Birch:

"The father of the unfortunate Iwan is said to be dead of a dropsy, since his son's catastrophe. There are two sons and two daughters besides; the eldest is said to have better parts than Iwan, and should be about eighteen. Nobody imagines we shall hear any more of them."

‡ Claude Villaret, who died in 1766, aged 51, followed the profession of an actor, till beyond his fortieth year. He then procured an appointment in the department of the finances at Paris. At length he attached himself to the composition of history and wrote the *Continuation de l'Histoire de France* of L'Abbé Velly.—*Nouv. Dict. Hist.* (1789) ix. 361.

§ Matthew Maty, M. D., a native of Holland, who died in 1776, aged 58. He settled in England, where he became Secretary to the Royal Society, and principal Librarian to the British Museum. Dr. Maty published, monthly, at the Hague, from 1750 to 1755, '*Journal Britannique*,' a French review of English books.

His son, Paul Henry Maty, who died in 1787, aged 42, was also one of the Librarians of the British Museum, and Secretary of the Royal Society. He was a clergyman, but "hindered by some scruples he entertained respecting the doctrine of the Trinity" from accepting "advancement in the Church." From 1782 to 1786, he published '*A New Review with Literary Curiosities*.'

|| Lord Hardwicke, writing to Dr. Birch in 1764, says, "I hope you will not forget to extend a little the character of Lord Hardwicke, keeping to general outlines, which, I am convinced, is the most prudent method, considering the place where it is to appear." This Life of Lord H. is not mentioned by Dr. Birch's biographers.



I think the collection may be disburdened of such subjects as recommendations to livings, commissions of the peace, &c., by committing them to the care of Master Vulcan. I heartily wish my father had left some tracts on the subjects of his profession, or memoirs of his life, but his Chancery business, or the transitory politics of the day, consumed his time, and left him little leisure for other works of the mind.

I am forgetting (as much as possible) the confusion of the present times, in the best old and modern writers as come in my way. If I appear at the birth-day,\* it will be for a moment to be lost in the crowd, and then, like the man in Quevedo's bottle,† I shall desire to be corked up again, "aliaque pelopidarum verba dicta nec hasta audiam." Cic.—Yours sincerely, H.

P.S. I remember a letter of Atterbury's,‡ where that bottle-spirit in Quevedo is prettily alluded to.

*To the Rev. Mr. Birch.*

DEAR SIR,

Cambridge, Tuesday Evening, May 4, 1742.

After so painful, though honourable, an employment as the giving law to index-makers of royal extraction (for I take Psalmanazar § to be concerned in your indexes to Thurloe's papers ||), I

\* Of George III., June 4.

† Quevedo, in his second Vision, discovers "a large glass bottle, wherein was luted up a famous necromancer," who desired Quevedo "to unstop the bottle;" but while he "was breaking the clay to open it," the necromancer would first learn the condition of Spain. Having listened to a large account of the vices practised there, "Sayst thou me so?" quoth the good fellow in the glass; "then stop me up close again as thou lovest me, for the very air of these rascals will poison me."

Hearing, however, that "Philip IV." reigned, "break, break my bottle immediately," quoth he, "and help me out, for I am resolved to try my fortune in the world once again, under the reign of that glorious prince. And, with that word, he dashed the glass to pieces against a rock, crept out of his case, and away he ran."—*Visions* (1753), pp. 42, 43.

‡ To Pope. Paris, November 23, 1731. "My country, at this distance, seems to me a strange sight; I know not how it appears to you, who are in the midst of the scene, and yourself a part of it; I wish you would tell me. Sketch out a rough draft of it, that I may be able to judge whether a return to it be really eligible, or whether I should not, like the chemist in the bottle, upon hearing Don Quevedo's account of Spain, desire to be corked up again."

§ The fictitious name of a literary impostor, who was supposed to be a native of France. After various adventures, he was baptised, and imposed himself on the Bishop of London, as a native of Formosa, and a convert to Christianity. Of Formosa he invented a history, and contrived a language, into which he translated the Catechism of the Church of England.

At length, he owned the imposture, at least to his friends. "His learning and ingenuity, during the remainder of his life, procured him subsistence from his pen. He was concerned in compiling and writing works of credit, particularly the *Universal History*." George Psalmanazar died in 1763.—*Gen. Biog. Dict.* (1784), x. 489.

|| In 7 vols. fol., dedicated to the Lord Chancellor Hardwicke.

think it not only a condescension, but a self-denial in you to keep your fingers in ink so much longer than the necessary attendance on a work of such variety and extent required, as to write a very long and entertaining letter to a friend.

To speak the truth, I wonder you don't begin both to detest and fear the very shadow of your own pen; especially when I hear that you are likely to be little the better for your accuracy and diligence, in any respect but that of *empty praise*, which, when weighed against *solid pudding*, flies up and kicks the beam. You would almost make one believe that the impertinent rant of Lord King's \* motto, "*Labor ipse voluptas*," is a serious truth, when applied to yourself. However, I shall take the freedom to consign you to the care of your friends in the profession of the law, as to the point between Giles's executors and you (of which I had a particular detail from Mr. Webb); for as to recommending your own interests to your own care, I know how much you do *negligere humana* in one sense, though you are conversant with them in another. Nor will you ever be remembered for an excellent aphorism about a shilling, like your namesake in Swift's Letters.

The new edition of 'Epictetus' † has not fallen in my way. If the editor has made out the point you speak of, the world is in possession of more of Epictetus than it imagined; and while the Epistles to Brutus are, from being imputed to two of the greatest persons of antiquity, degradingly esteemed by a late critic ‡ the performances of an obscure anonymous sophist, the discourses ascribed to Arrian on the principles of Epictetus exchange the name of the scholar for that of the master. In truth, an acquisition very unequal to the loss, if that matter be fully proved; for the worst of it is, that the merit of the former is entirely gone with

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\* Lord Chancellor, nephew and executor of John Locke, and ancestor of the present Lord King. He died in 1731, aged 65. His father (like the father of Lord Gifford, who has just fallen in the career of legal ambition) was a grocer in Exeter, and "kept him at his shop for some years." Yet he found leisure for study, so that, at the age of 22, when he had entered on his legal pursuits, he published his 'Inquiry into the Constitution, &c. of the Primitive Church,' a work which discovers a profound and discriminating research into ecclesiastical history. He likewise published, in 1702, a learned 'History of the Apostles' Creed.' "Impertinent rant" was language rather harshly applied to the motto so aptly chosen by such a man. But the writer of this letter was now only 17.

† There were two editions, in 1739. One at Oxford, 8vo., and another, to which, probably, Mr. Yorke refers, in 2 vols. 4to., by the Rev. James Upton, whom Dr. Farmer controverted so successfully "on the learning of Shakspeare."

Dr. Harwood, a very competent judge, says, of Mr. Upton's "edition of the Discourses of Epictetus by Arrian," that it "is perhaps the most perfect edition that was ever given of a Greek ethical writer. See 'A View of the various Editions of the Greek and Roman Classics' (1778), pp. 62, 63.

‡ "Mr. Tunstall, Fellow of St. John's College, and Orator of the University of Cambridge."

their genuineness; the merit of the latter continues the same from whatever hand they come.

Markland\* is clearly with Mr. Tunstall on this point; but a reply is expected from Dr. Middleton. I have had no opportunity of conversing with the *historian of Cicero* on the subject of the Critical Epistle. It is agreed, however, that he will vindicate the authority of these letters, as being materials essential to Tully's life, and intersperse some cursory observations on many other parts of Mr. Tunstall's work. He adds, that he has thoughts of translating, after the manner of Mongault,† and writing notes, on the suspected collection, to be annexed to his reply, by which means his piece will be raised above the meanness of a pamphlet to the dignity of a *book*, a circumstance, you know, not to be overlooked by an able writer.

Whatever sentiments I entertain (if you should think it worth while to inquire after them) on our orator's performance, are contained in a letter which I wrote about a month ago, and communicated to my brother at Wimple, to whom I shall transmit it in a day or two, that he may show it to Wraye, Salter,‡ and yourself, under the seal of secrecy. To the first, because he has acquired a right by prescription of seeing every performance of mine, either literate or illiterate: to the second, because he applauds the essay I have controverted, and desires to see my objections to it: to yourself, (not as a corrector of the press, for there it shall never go, and that sort of correction is your lowest talent, but) as a judge of the plausibility and degree of conviction it may carry with it. If the Doctor writes upon this topic,§ I shall say that he behaves like an old practised disputant. He has certainly found out the weak places of a town for the most part well fortified. And you may recollect, perhaps, that a good while since he valued himself on being a *skilful engineer*.

\* Jeremiah Markland, a learned critic, who died in 1776, aged 83. He published 'Remarks on the Epistles of Cicero to Brutus, and of Brutus to Cicero.'

† Nicolas Hubert de Mongault, who died in 1736, aged 72. He published French translations of *Herodian* and of the *Letters of Cicero to Atticus*. The latter "est enrichie de notes qui font beaucoup d'honneur à son goût et à son érudition."—*Nouv. Dict. Hist.* (1789), vi. 278. See also *Voltair* 'Écrivains du Siècle de Louis XIV.'

‡ Dr. Samuel Salter, Domestic Chaplain to the Lord Chancellor Hardwicke, and tutor to his sons at Bene't College, Cambridge. In 1761, he became master of the Charter-house, where he died in 1778, and "was buried, by his own express directions, in the most private manner, in the common burial-ground belonging to the brethren of the Charter-house."

§ See 'The Letters of M. T. Cicero to M. Brutus, and of Brutus to Cicero with the Latin Text on the opposite page, and English Notes to each Epistle. Together with a prelatory Dissertation, in which the authority of the said Epistles is vindicated, and all the objections of the Rev. Mr. Tunstall particularly considered and confuted;' first published by Dr. Middleton in 1742.

The story you have cited from the MS. Memoirs of Sir Philip Warwick \* relating to Lord Bacon, is a very extraordinary one, and should have the more credit, not only from the character of the man, but from its being recorded to a title in Sir A. Weldon's 'Court of King James the First,' with this difference only, that Sir Ralph Winwood is said to be the person who complained of Lord Bacon's insolence, when the King was in Scotland, † instead of Calvert. ‡ I would say of the great man's *vanity*, when I see it lost in such a crowd of good qualities and surprizing endowments, both of original speculation and acquired learning, that I wish

Iste

Errori Virtus non esse possidet honestum !

But when I consider his *corruption* and *avarice*, there seems to be no character of infamy with which he does not deserve to be marked. I would give you a quotation in this place, but I believe there is none to be found in Latin, which will express what I want. In a word, as my Lord Bacon was a prodigy of parts the world had not seen before, so was he a prodigy of baseness, of which no man could frame an idea till it had actually existed.

I am, Sir, faithfully yours,

CHAS. YORKE.

Dr. Birch.

DEAR SIR,

October 9, 1762, Saturday noon.

I thank you much for the sheets of Sir Francis Bacon's Letters. § They are extremely curious and well writ, and have made me impatient for the rest.

No man deserves so much of the public as you do, for bringing to light so many valuable materials for the illustration both of

\* He died in 1682. His 'Memoirs of the reign of King Charles I.' were "published from the original MSS." in 1702. These were republished, in 1813, with notes, but no additions.

† In 1617, Bacon, "when any other Counsellors sat with him about the King's affairs, would (if they sat near him) bid them know their distance, upon which, Winwood, then Secretary, rose, went away, and would never sit more, but instantly despatched one to the King to desire him to make haste back, for his seat was already usurped."

When "he heard the King was returning, he attended two days in Buckingham's antichamber, where trencher-scraper and lacquies attended. After two days, he had admittance. At first entrance, he fell down flat on his face at the Duke's foot, kissing it, and vowing never to rise till he had his pardon."

Weldon, anticipating Pope's "wisest, brightest, meanest of mankind," concludes that "never so many parts, and so base an abject spirit, tenanted together in an earthen cottage as in this one man."—See *Biog. Brit.* (1778) i. p. 174. Note.

‡ The other Secretary.

§ Dr. Birch's last publication was entitled, 'Letters, Speeches, Charges, Advices, &c. of Francis Bacon, Lord Viscount St. Alban, Lord Chancellor of England.' This collection appeared in 1763, with a dedication to the Hon. Charles Yorke.

literary and civil history in England. But you will forgive me, if I wish the words in brackets, f. 31, 32, struck out of the book. They convey no *fact*; and, since Francis Bacon struck them out of his Letter, as carrying a low and indecent flattery to the King, as well as betraying a weakness of passion and resentment in himself, I think, that you have no more right to print them than you would have, if you could read the hearts of men, so as to be conscious of every roving thought, or wayward gust of passion, which crosses them involuntarily, and by surprise. It is enough if men don't act by them; but to be subject to such starts of mind, is matter of constitution and part of the mechanism of human nature, and ought not to be exposed; lest the reader should apply *that* to the character of the man which never entered into his conduct.

You have the best heart in the world; but your zeal for the illustration of history almost makes you transgress those laws, which, in the case of me, or any other man now alive, you would hold most sacred. Now, though Sir Francis Bacon has been dead almost 140 years, yet I think his fame and his memory more recent, more living, and more bright, than when he was alive. His faults are cast in shade by the candour of posterity; and finer colours laid over his virtues, unsullied by envy and detraction (those busy and malignant passions of cotemporaries) or even by his own weaknesses.

Besides the justice due, in morality, to the man, let me add, that what I am now exacting from you, as an historian, (or collector of historical monuments,) is due in discretion and common policy, to the world; for, indeed, the foibles and vices of great men, celebrated for their parts and actions, too much exposed to view, only confirm and comfort the vulgar in the like conduct without teaching to that vulgar the imitation of their virtues. Give me leave to add, that this reasoning is irresistible where the person in question has himself checked the feelings and cancelled the first expressions of his own intemperate passion.

Let me beg of you to reprint the leaf, which contains the passage objected to; and supply the gap, either by *asterisks*, or by a *note*; which the letter well deserved, as to the state of the King's revenue, then depending in Parliament (or near that time) for deliberation; and which will probably give you an opportunity of vindicating Lord Salisbury, whom Sir Fr. B., with so much dignity, gravity, and decorum, calls "a great subject," and "a great servant," in another letter to the King immediately after the Treasurer's death.\* Forgive me, dear Sir, and believe me, with true affection, always yours,

C. YORKE.

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\* May 31, 1612. See 'Letters, &c.' (1768) p. 28. It appears, by the published volume, that Dr. Birch accepted this friendly advice, leaving the sentence unfinished, with \* and filling up the vacancy by a note in justice to the memory of the Earl of Salisbury.

## *The Hardwicke Family.*

*To the Rev. Dr. Birch, in Norfolk-street, Strand.*

Tuesday, October 2, 1704.

MR. YORKE presents his compliments to Dr. Birch, and desires to know how he does; strongly recommends it to him, and insists that he shall take Latouche's *medicine* for his complaint, and begs him to do it without delay.

He acquaints the Doctor, that at *Holkham*,\* he found Sir Francis Bacon's present book of the 'Novum Organum,' entitled, 'Instauratio Magna,' (Ed. 1620,) to Sir Edw. Coke. At the top of the title page, in Sir Ed. Coke's handwriting, Edw. C. *ex dono auctoris*.

—————Auctori consilium  
Instaurare parans veterum documenta sophorum  
Instaura leges, justitiamque prius.

You know the book was published, in October 1620, a few months before the impeachment.† The verses not only reprove Sir Fr. B. for going out of his profession, but allude to his character as a prerogative lawyer, and his corrupt administration of the Chancery.

Over the *device*‡ of the ship passing between Hercules's Pillars, are written *two* English verses, not so good as the Latin distich.

It deserveth not to be read in schools,  
But to be freighted in the ship of fooles.

I think that Du Bartas wrote a satyr on bad authors, in that age, called the 'Ship of Fools.' The conceit refers to that book.

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\* In Norfolk, the seat of Mr. Coke, M. P. for that county.

† The serious truth conveyed in that trite line of Virgil, "*Nescia mens hominum fati sortisque futura*," has been seldom more strikingly exemplified than during the last months of Lord Bacon's public life.

January 1620, "he kept his birth-day with great splendour and magnificence." Ben Jonson honoured the day with complimentary verses, addressed to "the Genius of the Place." In these, as if gifted according to the pretensions of an ancient *Vates*, he ventured to describe "England's High-Chancellor," as one

"Whose even thred the fates spinne round and full,  
Out of their choycest and their whitest wooll."

March 1621. "Sir Robert Phillips reported" to the Commons, whom the Committee appointed to inquire into the abuses in the Courts of Justice, that two charges of corruption had been brought against the Lord Chancellor. Soon appeared, "The humble submission and confession of me the Lord Chancellor," May 3d; the same year the Commons came before the Lords to pray judgment, and the Lords adjudged, "that the Lord Viscount St. Albans, Lord Chancellor of England, shall undergo fine and ransom of 40,000*l.*, that he shall be imprisoned in the Tower during the King's pleasure, that he shall for ever be incapable of any office or employment in the state or commonwealth, that he shall never sit in Parliament, or come within the verge of the Court."—'Biog. Brit.' vol. i. p. 427-8, 491-5.

‡ On the title page.

Pray, let me know whether my conjecture is right. Du Bartas died  
in 1591.\*

C. YORKE.

\* The 'Ship of Fools' was written in Latin and High Dutch verse, by Sebastian Brand, born at Augsburg, about the year 1460, an eminent scholar, civilian, and poet. He died in his native city, in 1520. His book, 'Navis Stultifera,' was translated into English in 1520, by Alexander Barclay; and printed at London in the year following, by Richard Pynson, adorned with prints. Dr. Birch. See 'Biog. Brit.' i. 507. Note D.

#### L I N E S

ADDRESSED BY A SISTER TO HER BROTHER, ON HIS SAILING FOR INDIA.

FAREWELL! though ocean roll between,  
It cannot check a sister's prayer.  
Farewell! though distance intervene,  
A sister's love will reach you there.

Through midnight hours to watch and weep,  
When winds are high, to kneel and pray  
To Him who rules the angry deep,  
Whom storms attend and winds obey.

Oh! these are trials they must bear  
Who those they love to seas consign:  
And now I feel those hours of care,  
Those midnight musings, must be mine.

Farewell!—but, oh! remember still  
That there are hearts, though distant, true  
In every change of good or ill,  
That beat with warmest hopes for you.

Farewell!—for on that word of pain  
Afflicted memory long must dwell;  
Be good—be happy—once again,  
God bless and prosper you—Farewell!

ACCOUNT OF THE PROVINCE OF MARTABAN, LATELY A  
PORTION OF THE BURMAN EMPIRE.\*

**MARTABAN** is the most northerly of the provinces, which it has been proposed in the late negotiations with the Court of Ava to retain. It is bounded on the N. and N. E. by the great Peninsular range, on the south, by a small river called the Balamein, which separates it from Ye; its Eastern limit is the continuation of the mountain range. On the N. W., the provinces of Chetang and Tuyam Pago divide it from the sea, whilst it is immediately contiguous to the ocean on the west, forming, with the projecting coast of Chetang, the Gulf of Martaban. It contains about 12,000 square miles.

The town of Martaban lies along the base of a low range of hills of the same name, a branch of the Jenkyeit mountains, and upon the north side of the Martaban river, about ten miles from its northern, and thirty from its southern debouche, being, in fact, separated from the sea only by an extensive island called Poolyung, which divides the two branches of the Martaban river. It consists principally of two long streets, one of which leads from the wharf-gate to within two hundred yards of the great northern gate, and the other runs parallel with it for above half the distance. These streets are stony in dry, and miry in wet weather. In the rains they are little better than conduits for the numerous little streams which rush down the sides of the hill, and pass along these main channels to the river. The town is defended by a stockade, comprising also a considerable portion of the adjoining hill, but the greater part of the inclosure is occupied by a thick jungle, in which cheetas (leopards) and even tigers lurk.

The houses of Martaban are built of the same materials, and on the same plan, as those of Rangoon. The only edifice of any respectability is the great Pagoda, which is about 150 feet high. The east wall slopes to the river, which washes its foot, at about an angle of 25 degrees. It is nearly thirty feet to the top of the parapet. The bazars are held in the streets by women only. Provisions are neither abundant nor cheap. Fish is rather scarce, as the town is distant from the sea. Fowls are plentiful; there are a few ducks, and a few goats, but no sheep; venison is brought for sale, and buffaloes may be had for slaughter. Yams, brinjals, sweet potatoes, chillies, and other native vegetables, are procurable in their respective seasons. The population of the town and suburbs is estimated at nearly 6000 persons. The whole population of the

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\* From the 'Calcutta Government Gazette.'



province, including the Kareen tribes, cannot be estimated at more than 50,000. Martaban was well known to our old travellers, and is described by Barbessa and Cæsar Frederick as the principal emporium of the kingdom of Pegu, and a populous and flourishing place; and Pinto, who, notwithstanding his bad name, is only extravagant, and not altogether "a liar of the first magnitude," was present at the taking of Martaban by the King of ~~Brama~~ <sup>Burma</sup>, meaning, however, apparently Siam, and he states that 60,000 people were slaughtered in its capture.

The climate of Martaban is pleasant and salubrious. The rains commence about the end of May or beginning of June, and continue with little intermission till September. By November, they may be considered to have ceased, and the cold season then succeeds; during which the thermometer ranges from 60 to 80 degrees. The three months of hot weather are cool, compared to the same on the continent of India, as the thermometer never exceeds ninety, and at sunrise is not unfrequently as low as sixty-five. The land winds along this coast are cool and refreshing, and although blowing from the N. E., over much jungle, are far from unhealthy.

The soil of Martaban is of the most fertile description. On the immediate banks of the rivers it is alluvial, and varies from two to six feet in depth. The substratum is commonly a stiff clay, or gravel. The uncleared plains are evidently of a fertile composition, whilst the soil toward the hills is of a lighter description, and favourable to the growth of cotton, indigo, and sesame.

The chief rivers are the Mautama, or Martaban river, the main stream of which rises in the mountains of N. Laos; and after a turbulent course of three hundred miles, emerges into the province through a gorge in the lower range of the great peninsular chain. It falls into the sea below the town, by two mouths, of which the southern is the main entrance.

The Daung Damee river, which falls into the preceding a short way above Martaban.

The Gyein, the Abraham, and the Wakroo, which all contribute to form the main river, and the Dangwein, which falls into the Gulf of Martaban.

The chief staple of Martaban is rice, which has been always cultivated in quantities much beyond the consumption of the province. A considerable part of the surplus went to Ava, and the upper portions of the Burman empire. Some was also exported in China junks to Pinang and elsewhere; but this trade was not encouraged, and not unfrequently prohibited by the Burman Government. The Martaban rice is of good quality, and will keep in the husk for several years. When cleaned, the people know not how to preserve it, and the process of cleaning is very rudely and ineffectively performed. It is accomplished in three ways—by the wooden mortar

as in India, by the action of two grooved logs, as practised at Tavia and Mergui, and by the following method peculiar to the Peguers: Two large baskets, of a conical shape, are joined together at their apices, the apex of the lower rising inside of that of the upper. Around this, which, with the joint, is grooved, a space remains sufficient to allow the grain to pass after it has been divested of the husk, by the revolution of the upper on the lower basket.

The cultivation of rice is exceedingly rude—artificial irrigation is unnecessary, as the quantity of rain that falls in the monsoon is amply sufficient—each village has attached to it a herd of buffaloes, which are turned into the field in April and May, and driven about it until it is worked up, grass and weeds included, into a muddy mass; a coarse harrow is then drawn over it, and the seed being thrown on the ground, which is then roughly harrowed, no further attention is paid to it till the harvest. No such thing as a plough is known; the sowing takes place in June, and the crops are reaped in December; the grain, after being trodden out by buffaloes, is left for several days exposed to the sun, and then housed in wicker baskets. The most fertile rice districts are those on the island of Poolyoun, between the town and the sea, those west of the town stretching towards Jenkyeit Pagoda, and the whole expanse of country towards Zea.

Cotton is another article of export from Martaban to Rangoon, Tavia, and Mergui. It is cultivated in the upper districts, by the Kareans and Peguers, chiefly; much of the growth of the country is consumed within it, in the manufacture of a coarse cloth; there is little care used in its cultivation, and with very ordinary skill and attention, the produce might be considerably improved.

*Me*, or indigo, is seldom cultivated separately, but may be seen growing promiscuously with cotton and other plants; the natives prepare the dye altogether in a rude way, and the blue cloth, which is their favourite costume, is all dyed in the province with indigenous materials.

The black pepper plant may be considered indigenous, and is cultivated in several districts, although not largely: a circumstance attributable to want of encouragement, apparently, as the pepper is of the best quality. It is brought to Martaban by the Kareans alone.

Sugar cane, of a tolerably good quality, is reared, though sparingly. Tobacco is cultivated to a small extent, and hemp grows abundantly on some of the islands in the river. The areca nut tree is abundant, and the nuts form an article of export.

The forest of Martaban is not less the source of a supply of valuable products, than those more to the southward. The Kareans bring ivory, cardamoms, wax, and honey, to market; and sapan

and other valuable woods are procurable, with the important addition of teak. The Martaban teak is said to be rather inferior to the Rangoon, but there is reason to think this may be prejudice, and it is unquestionably of very good, if not of the best, quality. The forests in which it is found extend to the northward and eastward of a line about forty miles north from the town of Martaban.

Salt is made in large quantities along the Martaban coast, and finds a ready market. The whole of the upper provinces of Ava are dependent on the maritime districts for this essential ingredient in their food. Balachong and dried fish, although not to a similar extent, are almost equally necessities of life among the Burmans. The Martaban fisheries are very productive. Martaban is less rich in mineral products than its neighbours. Gold, in small quantities, is found in some of the rivers, but no other metal has been yet met with within the boundaries of the district. It was once celebrated for its rubies, but these are brought from the interior, or the borders of the Laos country.

The manufactures of this province are, of course, of a character and extent little more than adapted to domestic consumption. A considerable quantity of cloth, both silk and cotton, is made, and there is scarcely a house without a loom. The cloths are of the same description as those manufactured at Tavai. Martaban was once famous for its jars, but the potters seem to have abandoned their trade since the war broke out. They make excellent guglers for holding and cooling water, which allow a little to exude, but the jars are not porous. These jars are very faithfully described by Barbessa, as *grandissimi vasi di porcellana bellissimi e invetriati di color negro*—large handsome vessels of glazed earthenware of a black colour; he adds, that they were highly esteemed by the Moors, or Mohammedans of India, and were largely exported by them. *Sono havuti in sommo pregio apresso li mori li quali gli levano di qui come la maggior mercantia che possono avere.* He adds, that lac and benjamin are exported in large quantities from Martaban; the lac is still brought from the Siamese frontier, but no notice is taken of benjamin.

Numerous boats of every size, from one of ten koyans burden to a canoe, constantly ply in the various branches of the river. Boats of fifteen koyans sail to Rangoon and Mergui. A boat of this size is navigated by the same number of men, and may be built of teak for seven hundred tekals.

Martaban is open to a much more extensive trade than the southern provinces, as it not only communicates, like them, with Siam, but with the Burman kingdom, with Laos and even with China, as we lately observed, through Thaump-pe. From these two latter countries come lac, rubies, medicinal drugs, swords, knives,

manufactured cotton and silk, sugar, candied yanseng, or earth nuts, blank books, composed of blackened paper, ivory, rhinoceros' horns, &c. They take, in return, raw cotton, salt, spices, quick-silver, red lead, asafetida, borax, alum, chintzes, piece goods, needles, and various European articles. There can be little doubt that when affairs are settled, an extensive vent will offer itself in this direction for our broad cloths and cottons.

The following are a few of the peculiarities observable in the customs and manners of the people :

The Burmans of Martaban, and the Peguers, and other tribes, are fond of rich dresses, and they generally spend all their surplus money on these.

Few of the lower ranks make use of the precious metals, except in forming rings, and betel boxes, and cups ; their gold rings are most commonly set off by rubies or turquoises, but the workmanship is very inferior to that even of Hindoostanee jewellers. They do not bedeck their women in the ridiculous manner that prevails in India. The fair are here content with a few rings, and it is likely that the superior freedom they enjoy, and the great share that they take in employments which, on the other side of the bay, devolve on the male sex, may have induced them to renounce the incumbrances of shackles, nose rings, &c. Their husbands do not gain much by this lack of tinsel, for the silken dresses which they wear are high-priced, and do not last long.

It does not appear that the Burman dresses accord well with cleanly habits ; being all highly coloured, a want of the latter is not so perceptible as amongst the cotton-garmented Hindoos, or less delicate Musulmans.

Ablutions, not being enjoined by civil or religious ordinances, are matters of convenience. But the anomaly is frequent, of a Burman or a Peguer punctually performing these, but neglecting to recommend them by cleanliness in dress.

Many of the people of this province wear the Karian cloth, on account of its durability and warmth. The Mons or Peguers have, in great measure, adopted the Burman costume, which is rather elegant for the men, but indecorous, in European eyes, for the women, as the leg is very much exposed in walking.

The men wear large turbans occasionally, but the true Burman fashion is a handkerchief twisted into a knot with the hair, and brought to the front of the head. Their long hair, which depends from the crown, must, like the Chinese tails, prove rather inconvenient on some occasions, especially in flying before an enemy, or in combat.

When the women turn coquettes, they wear small turbans too, and they judge right in supposing that these add to their charms.

In the rains, the men wear enormous umbrella hats, some of which are four feet five inches in diameter; they are of basket work. All ranks wear shoes when they can obtain them; these are made either of wood or of leather. Officers of rank wear a leather cap, which is gilded, and looks very like the brass caps of fire-engine men in England; inferior officers have black varnished leathern ones.

Children are very respectful to their parents; when a youth is about to depart on a voyage or expedition, he kisses or lays his head at his parents' feet, entreating forgiveness of all past offences, and their blessing for the future. They return a kiss of his cheek, by which is not implied our mode of salutation, but a strong inhalation through the nose. The same practice obtains amongst the Malays and Siamese.

Marriage is a civil affair in Martaban: the youth of both sexes are not always allowed the society of each other before marriage, but they are less strict in this respect here than in Western India. Though this greater degree of liberty produces some love matches, yet the institution of marriage has not unfrequently the air of a barter, and as the man pays often pretty high for his wife, he is apt to look upon her as a species of property. In general he tries to gain the girl's affection, and then the consent of the parents, on which a large feast is given, and bands of music are called. Both parties defray the expenses. Some elder of the town or village joins the hands of the bride and bridegroom, who respectively take some rice and put it towards the other's mouth: having both eaten some, and agreed to be faithful to each other, and to attend to each other's happiness, a blessing is pronounced by the elder, and the ceremony concludes. No priest is present, but they receive donations on the occasion. The man pays according to his means, money, goods, clothes, &c., to the parents of the bride and to her relations.

Should any man wish to separate entirely from his wife, with or without her consent, the children of the marriage, and his clothes, gold, ornaments, &c., are taken by her.

Should a wife desire separation, but the husband not, she must pay to him double the expense he was put to by the marriage.

When a child has obtained the age of seven days, its head is shaved, and an entertainment is given: at the same time, some old astrologer inspects the Horoscope, and having foretold a fortunate hour, he bestows a name on the child. The visitors then each present it with a piece of money or something of value.

The Martabanars generally burn their dead, in compliance with the Buddhist ordinances.

The poor do not burn the body of a person who has died suddenly, but expose it to birds and dogs. The reason is not known,

but perhaps the expense of large quantities of fuel required to consume a body which has not been wasted by disease, may be the cause of the custom.

The corpses of priests are burned in the manner described, by Captain Symes and by Dr. Carey, in the 'Asiatic Researches,' by being placed on a pile of billets, amongst which are some of odoriferous woods; it is fired by means of rockets let off at a distance, and which reach the pile along a wire, stretched for the purpose.

The expense attending a funeral, among the generality of the people, is defrayed by a collection from the friends of the deceased. The priests are not neglected on such occasions. Food and clothes are distributed to them.

The people of Martaban are very fond of music. There were bands, part of which still remain, which were hired out on occasions of ceremony, whether on religious festivals, marriages, ordaining of priests, or burials.

## T E A R S.

Oh ! there are tears of early years,  
Tears that unbidden flow :  
The heart-thrills that rise, and gush from the eyes,  
In love's first—warmest glow.

And there are tears of riper years,  
Young mothers' tears of sorrow,  
When the early morn sees her dear first-born,—  
And its spirit is fled ere the morrow.

Oh ! there are tears of older years,  
Maternal tears of pride ;  
Fleecy clouds they seem, that veil the moon-beam,  
As her infants sport by her side.

Then there are tears of stricken years,  
And these are tears of joy,  
When the mother's mind, in its wane can find,  
Affection and love from her boy.

And lastly—tears that attend on our biers :  
And oh ! these tears are blest,  
From mortality driven, our hope is in heaven,  
Secure of eternal rest !

B. D. C.

MR. WARDEN AND SIR EDWARD WEST.

*To the Editor of the Oriental Herald.*

SIR,

Plymouth, October 12, 1826.

Since my arrival from India, I have read with attention the statements contained in the 'Oriental Herald' of this and the preceding month, respecting the occurrences at Bombay, in which Mr. Warden has borne such a conspicuous part; but your information on some points is evidently incomplete, and on others I apprehend somewhat erroneous.

Mr. Warden had so completely identified himself with the proceedings relative to the assault committed on Mr. Irwin at the Racket Court, and with the libel for which Mr. Graham was indicted, that he, of necessity, became a material witness in both the prosecutions instituted against Mr. Graham at the Criminal Sessions held in January last at Bombay. It was during the progress of the second trial that a sealed letter was handed up by Mr. Warden, whilst he was under examination, to the judge upon the bench, (Sir Edward West,) and which the latter declined to look at, and returned unopened; and for so doing, Mr. Warden sent Colonel Stannus on the following morning to demand an explanation or apology from the judge. Colonel Stannus's reception at the court-house was such as he well merited; although, if the Chief Justice had committed him to jail, instead of ordering his tipstaff to see him out of the house, he would, perhaps, have better consulted his own dignity and the respect due to the Court; but this is immaterial.

It is said, and I believe with truth, that the purport of Mr. Warden's rejected note to the judge was to claim the privilege of a seat on the bench, whilst he gave his evidence. Whether he claimed this distinction as a matter of *right* or of courtesy, I know not; but certain it is, that no such *right* exists on the part of Mr. Warden, or any other person at Bombay; and if it has ever been granted to any one, it must have been as mere matter of courtesy, and dependent entirely on the discretion of the Court. Mr. Warden's conduct on the occasion was, however, injudicious, as by thus attempting to open a correspondence with the judge, he most justly subjected himself to the dignified reproof which he received. It would have been more regular if he had openly requested the distinction by verbal application from himself, or through counsel. This, however, he may probably have considered rather a dangerous course, as he, no doubt, was conscious that the general tenor of his conduct towards that Court entitled him to no such consideration; for it was too soon for the judges to have forgotten

that the same Mr. Warden had been guilty of repeated contempts of court, by the habitual misrepresentations of the court's proceedings in the 'Bombay Gazette,' of which he was the proprietor, and, moreover, that a few months before, these same judges, whilst sitting on the bench, had received a printed paper, signed by Mr. Warden, containing the most calumnious and libellous attack upon their character, charging, in a manner that could not be misunderstood, that one of them was the author of what he (Mr. W.) termed "unfounded insinuations contained in the 'Oriental Herald,' calculated to undermine his official reputation," and "the calumnious attack upon his character." After such conduct on the part of Mr. Warden, would Sir Edward West have been justified in either receiving a sealed letter from him in open court, or inviting him to the bench?

The only instance before, of a member of Government being examined in the court at Bombay, was that of Mr. Duncan, the governor, in 1810 or 1811, and on which occasion he certainly was not invited to the bench, nor did he claim that distinction.

Mr. Warden's connection with the press at Bombay has been the means of involving him in a labyrinth, from which he will find it no easy matter to escape, notwithstanding he has contrived to lead Mr. Elphinstone, the governor, into the same snare: at this, however, I am not much surprised, for those who were at Bombay when Sir Edward West commenced those salutary reforms in the proceedings of the court over which he was appointed to preside, must well remember, that Mr. Elphinstone was one of the first who openly hoisted the banner of party, in opposition to the authority of the court; and although he afterwards *seemed* to disapprove of some of the proceedings of those who endeavoured, by calumniously misrepresenting the court's proceedings, to subvert its authority and vilify the character of the judges, his recent conduct justifies the belief, that he has never ceased *secretly* to encourage that opposition to the authority of the Supreme Court, which his own example, in the instance above alluded to, so mainly contributed to engender.

It appears that an order sent out by the Court of Directors, strictly prohibiting any one in the service of the East India Company from connecting themselves with any newspaper, &c., has been published by the Bombay Government. This is well, as showing the feelings of the Directors on the subject; but the order will be perfectly useless, unless it be held to include clerks in the Government offices, as the real proprietors will transfer their shares nominally to those clerks, and Mr. Warden will thus be enabled to continue, through the Bombay newspapers, his slanderous attacks upon the court and the judges, with the same facility as before. To exemplify this, I need only mention, that when Mr. Fair was sent home from Bombay, Mr. Warden had four-eighths of the



'Gazette'; these four-eighths he transferred to Mr. Henshaw, a half-caste clerk in one of the public offices in Bombay, and whom Mr. Warden had placed there; and I have no doubt that the sale was a fictitious one, and that these shares are still held for Mr. Warden. If this is denied, I would wish to ask, how much Mr. Henshaw gave for these shares? for the said Mr. Henshaw's pecuniary embarrassments are so notorious at Bombay, as to preclude the belief that he could have been a *bonâ fide* purchaser of the shares in question, or that some of his numerous creditors would not have attached them, if they had known or believed them to be the actual property of Mr. Henshaw.

I have more to say of the *worthies* at Bombay, who have set themselves up in opposition to the authority of his Majesty's court there, and who seem resolved, at all hazards, to do every thing in their power to subvert its authority, and impede the administration of justice; but I have, for the present, sufficiently trespassed upon your indulgence. I shall hereafter resume the subject; and the now *recorded fact* of Mr. Warden having been one of the prime movers, and principal witnesses, in the two most disgraceful transactions (one of public assault, and one of private slander) that have been submitted to judicial investigation in the court at Bombay for years, will prepare your readers in some measure for those farther elucidations of his character, which will appear in my next.

X.

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THE MAID OF ERROR.

Poor maid of error! lovely was thy cheek,  
 And thy blue eye was eloquently bright,  
 Youth's bland emotions tenderly to speak,  
 And win the soul with its own vestal light,  
 But, ah! the spoiler came, thy peace to blast,  
 Ruthless to banish from thy breast content,  
 And thy fair hopes with darkness to o'ercast,  
 Marring the charms, but prized when innocent.  
 The rose of beauty wither'd on thy face,  
 And quench'd the ray of rapture in thy eye;  
 Thy hectic look, and every faded grace,  
 Prove what thou 'dst hide—thy ceaseless misery.  
 Poor maid of love and error! blighted though thou art,  
 To thee I'd gently pay the homage of the heart!

JANET.

Calcutta.

ACCOUNT OF THE PLAU, A TRIBE OF PEOPLE BORDERING  
ON PEGU.\*

AMONGST the tribes brought to more particular notice by recent events, is a race of some interest, entitled *Plau*, the inhabitants of a district, N.E. of Pegu, called by the Natives *Thaum-pe*, and by the Burmans *Tong-su*. The people have been occasionally encountered at Pinang, to which they have been brought by the little commerce they carry on, but their country and condition were but imperfectly appreciated: we have been favoured with the following particulars with respect to them:

The district of *Thaum-pe*, when conquered by the Burmans, received from them the appellation of *Tong-su*: it lies about twenty-five or thirty days' journey N.N.E. of *Tongo*, close on the borders of *Siam* and *Laos*. The chief town, bearing the name of the district, is situated about 40 miles from the hills, and in N. lat. 19.

The *Plau* are a distinct people, from both the Siamese and Burmans, and from the neighbouring tribes; differing in language, feature, and character. They are shorter and less robust than the Burmans, and bear a greater resemblance to the Chinese than to any other people. Their dress partakes also of the Chinese costume. They wear their hair twisted into a knot like the Burmans, and are tattooed like those people and the *Laos*; like the former also they thrust small cylinders of wood or silver through holes made in the lobes of their ears. Their clothes are very usually quilted, which, they say, is rendered necessary by the frigidity of their climate. The people are a lively simple race, addicted to agricultural and commercial pursuits, and of very unwarlike propensities; they have therefore readily been reduced to subjection by the Burmans and Peguers, for whom they, nevertheless, entertain a profound contempt; and from whose rule, whenever it becomes very irksome or oppressive, they withdraw into the thick forests and mountains in their vicinity.

The *Plau* profess the faith of *Buddha*, and, like all *Buddhists*, burn their dead. Many of their customs, however, are peculiar, of which their marriages furnish an example.

Women are not immured in *Thaum-pe*: young men, therefore, pay addresses in person to the objects of their affection. When a youth fancies that the girl to whom he is attached favours his pretensions, he takes an opportunity of placing his silver bracelet before her. If she takes it up he considers his suit accepted, and

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\* From the 'Calcutta Government Gazette,' March 16, 1826.

immediately endeavours to obtain the consent of her parents to the union. Their approbation is the prelude to an entertainment, the prominent viands at which consist of poultry, buffalo and cow beef, venison and other game, monkey's flesh and large rats, which are found below the roots of the bamboo, on which they subsist. The feast, which lasts one or more days, according to the wealth of the parties, concludes with copious libations of an ardent spirit, distilled from rice, by a process nearly similar to that by which the Chinese distil Samsou. Marriage being with these people a purely civil contract, they do not require the attendance of a priest at the solemnization; but were it otherwise, which the invocation of superior powers at the ceremony might lead us to suspect was once the case, the priest of Buddha is absolutely forbidden to converse with a woman, or be present in the company of one.

Some old person who has gained the respect of the society gives a cup of weak spirit to each of the contracting parties, repeating certain invocations of benignant deities and genii, to prove propitious, and when they have drunk the spirit, he ties their arms together by the wrist with a slender cord, which is the conclusion of the ceremony.

The province of Thaum-pe is governed by a Burman chief, who resides at the capital, which is stockaded, and contains about 5000 inhabitants. The face of the country is flat and tolerably clear. Rice is cultivated to an extent sufficient for the consumption of the district: there are numerous herds of cattle, and a considerable number of small horses; a few buffaloes are employed in agriculture.

Thaum-pe is exceedingly rich in raw produce of various descriptions. The people grow several kinds of cotton—one of which appears to be the brown or nankeen cotton. The tea plant is also cultivated, and the leaves are pickled. Two sorts of indigo are grown, the creeping indigo and the true. Blue is the prevailing colour of their dresses. Stick lac is brought down for sale by the Plau in considerable quantities, and the silkworm is reared, being fed on the leaf of the plant called Puja. The forests contain a number of valuable trees, but the want of water-carriage renders this source of traffic unavailable. The mineral products of the mountains are more easily transported. Gold is found in the sands of the mountain streams. Iron is abundant, and is smelted and wrought into swords, knives, and other implements. Tin, after disappearing to the north of Tavia, again presents itself here, and is found in considerable quantities in the beds of rivers, in the form of a fine black sand. The most productive mines, however, are those of lead, and from them, it is said, the Burman armies are wholly supplied; the ore is obtained in lumps, but in what state of combination we are not informed; the working of the mines is sufficiently rude, and nothing like a horizontal shaft is attempted—the Plau

merely digging deep pits till they come upon the veins. From these sources the annual exports to Rangoon are estimated at 120,000 rupees, and might, no doubt, be much extended; the Plan carry back from Rangoon and other Burman ports, salt, Areca nuts, salt fish, broad cloth, woollens, piece goods, crockery, and spices.

A commercial intercourse is also maintained between Thaum-pe and China. Traders from the frontier districts of the latter bring spices, including the clove and nutmeg, silk, cloth, woollens, paints, papers, cutlery, and other articles, and take back the products of the country. They come annually in a caravan, consisting sometimes of a thousand persons well armed; the merchandize is transported by asses and horses.

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NEWSPAPER PROPRIETORS AT BOMBAY.

*To the Editor of the Oriental Herald.*

SIR,

Poona, May 1826.

I beg to point your attention to the 'Bombay Calendar' of 1826, pages 91 and 93, in which it appears that Francis Warden, Esq. Member in Council, is proprietor of three shares of the Bombay Insurance Society, and of four shares of the Bombay Life Insurance Company.

Mr. Warden, Member in Council, is also proprietor of a fifth share of the 'Bombay Courier' newspaper; and till within these twelve months, Mr. Warden, Member in Council, was also proprietor of four-eighths of the 'Bombay Gazette' newspaper; but which, about a twelvemonth since, he transferred to a Mr. Henshaw, a clerk in the secretary's office, who was placed therein by Mr. Warden, when chief secretary, as it is known that Mr. Henshaw had not twenty thousand rupees (the price of the shares) to pay, the query is, whether Mr. Warden's transfer was a bona fide sale, or merely nominal, and who receives the profits of those shares now? Some of your readers could also, perhaps, inform you from whom the two barristers, Mr. Parry and Mr. Le Messurier, bought their three-eighths of the 'Bombay Gazette,' was it not from Mr. Warden? Mr. Parry's share has lately been transferred to a Mr. Simpson, a nephew of Mr. Warden's.

Mr. Warden, Member in Council, is also the chief proprietor of the Racket Court, of which we have lately heard so much.

Mr. Warden "is doubtless not aware of any law or regulation, or of any obligation, moral or political, prohibitory of a civil servant in or out of Council, vesting any portion of his property in these concerns."

The Court of Directors, however, have, in answer to Mr. Warden's manifesto, lately published in your 'Herald,' expressed a different opinion with respect to the shares of the papers, as appears by the following order :

" GENERAL DEPARTMENT.

" The Honourable the Court of Directors having resolved to prohibit all persons in the service of the Honourable East India Company from connecting themselves with any newspaper (unless devoted exclusively to literary and scientific objects,) whether as editor, sole proprietor, or sharer in the property, notice thereof is hereby given to all persons in the service of the Honourable East India Company on this establishment, either civil, naval, or military, surgeons and chaplains included: and all persons concerned are further apprized that this order will be enforced, if necessary, on the part of the Honourable the Court of Directors, by dismissing from their service those by whom it may be contravened.

" Published by the order of the Honourable the Governor in Council,

" D. GREENHILL, Acting Secretary to Government."

" Bombay Castle, 11th May, 1826."

It remains to be seen whether the Court of Directors will equally approve of this member of Government's other *connections*.

These shares in the above-mentioned society and company, and of the newspapers, as also of the Racket Court, (until the recent fracas, in which Mr. Warden bore so prominent a part,) were most profitable, yielding at least nine or ten per cent., but, nevertheless, had Mr. Warden been aware of the impropriety of a member of Government engaging in these speculations, " he would no doubt have relinquished the portion of interest he had in them, as they could not have possessed any attractions of a pecuniary nature to render him one moment anxious for the connections on that score." Pray can you inform me what *other* attractions these connections possessed? \*

YOUR CONSTANT READER.

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RECOLLECTIONS OF THE PAST.

THE wild-bee's hum is deepest—in the gloom of twilight grey,  
And early scenes are sweetest—when remember'd far away :  
The cuckoo, in the flowery vale—unseen, is heard the more ;  
More glad at heart the boy returns—when school's hard tasks are o'er.  
And thus we dwell upon the past—till all its brightness seems,  
To memory, as fresh and fair—as newly-vanish'd dreams,  
In which we were restored to home—amid its banks and braes ;  
The loves, the haunts, the early friends—the joys of other days.  
These, let us then remember—in the world's unhappy strife,  
For they shed a dying glory o'er our fast-decaying life ;  
No hand can dash the cup away that sparkles in our breast,—  
Then, blest ourselves, we'll joy to see our fellow-brothers blest.

J. M

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\* Mr. Warden himself can alone answer this.—Ed.

## GOVERNOR'S PATRONAGE AT BOMBAY.

*To the Editor of the Oriental Herald.*

SIR,

Guzerat, April 1826.

On a visit I lately made to Bombay, I was much surprized to observe the system which the present Governor of Bombay, Mr. Elphinstone, has adopted, and which is obviously an illegitimate mode of increasing his patronage, keeping the civil servants completely dependent upon him, and of obtaining his chief, if not his only, object, *popularity*.

It is to make temporary places, which are held at the pleasure of Government, and to appoint to them persons who hold other offices, and again to appoint others to *act* in those offices, and who, therefore, also hold them at the pleasure of Government. Thus, there has been for the last five or six years a committee of regulations, first instituted by Mr. Elphinstone. One of the Secretaries to Government, Mr. Norris, is president of this committee, and another gentleman, Mr. Greenhill, acts as secretary, and is called *acting* secretary. Both these persons are therefore completely dependent upon the Governor, as they may be moved from their appointment at any moment. Is it to be wondered at that the Governor is cheered so loudly by these gentlemen at every public dinner and meeting? They are cheering for their places; and you may depend upon it that they will cheer against each other as long as the system lasts. There are at present here an *acting* sub-treasurer, an *acting* magistrate of police, an *acting* collector, an *acting* mint-master, and many other *acting* personages; at least a third of the offices, both here and at the outstations, are, I understand, filled by persons who are merely *acting*.

There is also another abuse, which is, I believe, peculiar to Bombay, and which is practised for the same purpose, that of making the whole society dependent upon and subservient to the Governor. The writers upon their arrival in India choose one of the three departments of government, political, judicial, and revenue; at the other two Presidencies these different branches of the service are kept distinct, and vacancies of offices are filled up by those in the same branch. But here, since Mr. Elphinstone came to the government, the vacancies in one department are filled up, at the pleasure of the Governor, by any person he pleases from any department. The object of this is evident, namely, to increase his patronage, and to make all completely dependent upon him. The mischief of this practice is extreme; conceive a person educated for the political department all at once made a judge! What kind of a judge would even the great Mr. Pitt have made if moved at once from his political office as prime minister to the seat of the Lord Chancellor or Lord Chief Justice?

VIATOR.

## RESCUE FROM DROWNING.

*To the Editor of the Oriental Herald.*

SIR,

Bath, Sept. 1, 1826

It so rarely happens that assistance rendered under the following circumstances is successful, and the instance with which you are troubled is so creditable to an officer in the Honourable Company's service, not at the time seventeen years of age, that, should these considerations be deemed sufficient to entitle the accompanying statement to a place in the '*Oriental Herald*,' which is submitted to you, it will be entirely at your disposal for that purpose.

I am, Sir, your obedient humble servant,

AN OLD INDIAN.

*Extract of a Letter from a Passenger in the Fairlie, Captain Shortt, outward bound to Madras, dated at sea, lat. 30°, long. 82°, January 16, 1826.*

"I was forgetting to tell you of an adventure that happened to two of us at the Cape, and was nearly the death of us both. I was riding on the sands in Table Bay, with Taylor and another cadet of the name of Biscoe, when the wind, blowing strong off land, took Biscoe's cap into the sea:—upon which, Taylor, being a tolerable swimmer, jumped off his horse, stripped; and went in after it. Not perceiving how far the cap had got, he went on till he had reached it, when turning round, and observing his distance from the shore, he got frightened, and was seized with the cramp. I immediately asked a black man that was on the sand to go to his relief, promising him a reward if he would; but he excused himself, alleging that he could not swim; and as Biscoe also could not swim, there was no alternative, but to go myself. So away I went, and got out in a very little time; but when I caught hold of him and turned him, then was the time to try one's nerves—I must say mine were very weak. I found myself about a quarter of a mile out, with an excessively strong wind in my face, and a body of *twelve stone* weight to drag along, having accordingly but one hand to swim with. But there was nothing for it but to persevere, which I did, till I found my strength failing quickly: at last it quite left me, and I made up my mind, determined however still to exert and do my best; so I lay on my back, and swam in that manner, but I could not advance an inch, when I looked upwards, and prayed: then let my legs drop through fatigue, when, to my infinite joy, I felt the ground, being a shoal that ran out from a different part of the Bay, and on which I soon got up to my middle. I continued to float Taylor along till I got knee-deep, when he first gave symptoms of life by throwing up some salt water. Biscoe then came and dragged him on dry land, where we both lay like corpses, till some soldiers, who were passing, put us into a cart that was standing near, and took us to the hospital, where I soon recovered. Taylor had got too much salt water to allow of his getting well directly, but he is now quite restored."

## ARMY COMMISSARIAT IN BENGAL.

*To the Editor of the Oriental Herald.*

SIR,

Bengal, Feb. 20, 1826.

You will read in the 'Columbian Gazette' (a good paper by the bye) how Sir Archibald Campbell has been deceived by the Burmese; how the Lord was elated, you may guess; but I defy even that hero and statesman to divine what will be the ultimate consequences of his rupture with these people about the barren sands of Shapurce. The army is disbanding, or about to be disbanded, and as two attempts to recruit failed, for be it known that the Honourable Company could only get low-caste people to enter their service, the destruction of a few fine corps may prove of service, as the Military Secretary knows; and in more ways than one, because it will save expense, which is no bad thing when the army estimates are yearly increasing, and since his reign have been doubled. But the why and the wherefore?—Have we made peace? No! Can we? No!—But of this I will not be quite certain, as it may be politic, nay, expedient to make peace and evacuate a country we cannot conquer, or bind the people to the terms they might have agreed upon and ratified by treaty. To continue the war is to ruin ourselves: *ergo*, we must, *volens volens*, make peace.

The Commissariat Department is a sad feature of the abuse of patronage!—Men who know nothing of a country are often employed in it. These depend on native sirkars (you know the *race*!) with whom neglect and deceit is the daily practice. The Commissary depends on others, and if others deceive and cheat, his own interests bind him to silence; and with all the miseries of Arracan and the Rangoon army before us, the efficiency of the Bengal Commissariat is loudly avowed. By whom, ask ye? why, by the Commissariat themselves, who are going to demolish an indiscreet but not an uninformed medical officer, for having attracted the public attention to the deaths and miseries it occasioned at Arracan.

Government have selected a committee to inquire into the charge. Two of the committee themselves hold high official situations under Government, and the President is the third member of the medical board. The latter is under no obligation to Government, whatever the others may be, for after forty years' service he is not in receipt of allowances equal to Dr. Abel, apothecary in Calcutta, Lord Amherst's physician and body-keeper at Barackpoor, and officiating, in Mr. Wallick's absence, as superintendent of the Company's Botanical Garden. I am just informed that a medical officer on



sick leave from the body guard at Prome, having arrived in Calcutta, has been put in charge of his own corps and is doing duty for Mr. Bristow, presidency surgeon, who has great private practice, and is sick just now in Calcutta. This looks like peace : or the sick officer, recovered and fit for duty, would, I opine, have been sent back to his corps.

Dr. Hewitt is under arrest for neglect of duty, &c. Very serious charges I hear have been preferred against him by Mr. Wm. Pitt Muston, garrison and presidency surgeon. Col. Cassiday, of his Majesty's 31st, has also sent in complaints of neglect of duty on the part of Dr. Hewitt, so that the stream goes strong against him.

Mr. Barwell, of the Civil Service, it is said, is dissatisfied ; but who is not where some reason can always be given for deviation from rule, regulation, or established usage ? All the commercial line were so not long since, and the medical line were outrageous. Poor Dr. Halliday was put out of employ and out of pay for reporting upon the abuse of calomel, and I understand, after a lapse of years, he was directed by the Honourable Court of Directors to be restored ! but mark you, he must first make an apology for giving vent to his feelings, in memorialising against such oppression and injustice (on the part of the local Government towards him) in a remonstrance to the Court.

If peace were restored, and it may, through the wisdom of his Lordship's Council, if he does not oppose wise measures, and learns that he must do what he can when he cannot do what he would, the waste of money may in a long space and under a wiser administration of our affairs, be replenished ; but this will not happen before the time for renewal of the Company's Charter comes. To that we must look for liberation from complete thralldom.

Dr. Halliday has all the credit of giving you the medical information ; and why ? because those who give it him, know " he loves, if he be a man, REVENGE : " but this revenge, sir, would be but little worth, and this, as a man of sound sense, he must know ; people at home and here care little for abuse of patronage and favoritism, 'tis so common everywhere. When officers, like the European artillery at Bhurtpoor, go over to the enemy, then will Government learn wisdom ; moderation and justice will then be in repute. An honourable feeling makes honourable men to fear much, but the proudest spirit can be brought to see virtue in resistance. The army must feel the load when all who are not on the staff are wishing for a change. We long to be a King's Government,

AN OLD CORRESPONDENT.

MR. WARDEN AND MR. GRAHAM.

*To the Editor of the Oriental Herald.*

SIR,

Northern Concan, May 1826.

You are probably not aware of the clause of the Act of Parliament which exempts members in Council in India from criminal responsibility in the courts there. It is the eleventh section of the 37 G. III. c. 142., and is as follows: " Provided always that the said Court shall not be competent to hear, try, and determine any indictment or information against the Governor or any of the Council, not being treason or felony," &c. &c. &c.

Mr. Warden, member in Council at Bombay, appears to have drawn upon this privilege pretty liberally.

1st, By permitting, as proprietor of the ' Bombay Gazette,' that paper to misrepresent and to libel the King's Court, for which libels and misrepresentations he would, as proprietor, have been criminally responsible, had it not been for the protection afforded him by this Act of Parliament: And,

2dly, By writing and reading at two meetings of the Racket Court, a paper reflecting upon the character of Mr. Graham the Coroner. This latter appears to me to be a most extraordinary case. This paper, of the libellous nature of which there can be no doubt, was written by Mr. Warden; it was read by him at two public meetings at the Racket Court, and was produced in Court on the trials which took place in March last. Mr. Graham makes a statement in answer to this and another paper both read at the same time. The Supreme Court direct the Jury (as they were bound in law to do) to find the defendant, Mr. Graham, guilty of a libel for having made this statement; and yet, though Mr. Warden's paper was equally or indeed more libellous, though it was that which provoked Mr. Graham to make his counter statement, Mr. Graham is punished for his counter statement, whilst Mr. Warden, the aggressor, escapes by means of his immunity as member of Council!

Is this *equal* justice? Will Mr. Warden's honourable masters permit him to remain in a situation of the privileges of which he makes such a use? Your obedient servant,

JUSTITIA.

## DUTIES OF INTERPRETERS TO THE INDIAN ARMY.

*To the Editor of the Oriental Herald.*

SIR,

Calcutta, March 1, 1826.

THE duties of an interpreter to a *Regiment of the Line on the Bengal Establishment* appearing not to be understood in the Chamber of Debate at the East India House, I will endeavour to give you, for your valuable work, an outline of them.

When a Native regimental or line court-martial is assembled, by virtue of a commanding officer, for the trial of a Native non-commissioned officer, sipahee or camp-follower, the court usually consists of a Subadar,\* President, and four Native officers, members. These are sworn according to their respective faiths. This is the military duty of the Indian Army.

A European officer and the interpreter of the regiment are appointed in the same order: the former as superintending officer, whose duty is that of a Judge-Advocate in points of law, recording proceedings, &c.

The interpreter, that of translation from English to Hindoostanee, and Hindoostanee to English, as the case may be; the charge, articles of war, evidence, regulations of the service, and in fine, all matters before the Court. Both officers are duly sworn.

In case of expressions of doubtful interpretation or character, it becomes satisfactory that one may check and assist the other (as most officers understand the language sufficiently, especially with the aid of the President and members). Should the subject be of pronunciation, idiom, or otherwise, and in event of yet a doubt remaining on the mind of the superintending officer, a third officer could be selected, and appointed on application from the Court to give umpire and decision to the points requiring elucidation. So far Colonel Lushington's remarks on "*bias*" are correct; but that "*no* Native court-martial is *legal* without an interpreter, is an error of the worthy Colonel's; and if Colonel Lushington would black his face, enlist, and commit some military irregularity, in the Champaran, Dinagepoor, Goruckpoor, Rungpoor, or any of these local corps, to his cost he would find the same by virtue of the cat-o'-nine-tails. The establishment of courts martial on this footing has indeed been a boon to the Native Army of the Line, and a private honour to the promulgator of the General Order—our most noble and ever-to-be-regretted Lord Hastings.

In extra regiments of the line and locals, the system above specified does not prevail. A superintending officer or adjutant only conducts proceedings; and, on Colonel Lushington's own acknowledged acceptance and experience, a "*bias*" might reign injurious to justice and the prisoner at the bar. Why this line of distinction

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\* A Subadar is a Native Captain; a Jemadar is a Native Lieutenant

should ever have existed to soldiers serving the same cause, subject to the same articles of war, alike called into action, and in camp together with regiments of the line, (vide Nepal campaigns, Champaran Light Infantry; again in Cachar, Champaran, Dinagepoor, and Rungpoor Corps; lastly, Simoor detachment, the covering party before Bhurtpoor in January last,) I am, with all others, at a loss to imagine, much less understand, except that the expense of administering justice equally to all classes of the Native Army would be a little increased by the wise appointment of an interpreter, and this nomination becomes imperative since the Torrens' Regulations, and it only then affords two ends for points of movement, as mounted officers \* with 1000 men, provided neither are ever sick, sorry, or employed in Arracan; which, if another example of fact be wanting of the total *inefficiency* in number of European officers to the Indian Army, it is surely to be traced in the manifold changes from the new-created Mug levy; but, alas! this is not the misfortune rendering corps more *contemptibly inefficient*. Officers are drained from the line for these commands, seconds in command, adjutants, and charge of a few companies; so that, in the fullest truth of word and spirit, the adoption of this execrable ruinous system of policy, of economy in farce, alone almost in Bengal, both regiments of the line, extra regiments, and local corps are *non-effective*; for, as in the ratio you abstract the European officers from the line to give an appearance of power to *extras and locals*, you so weaken the one already too feeble from the general staff † drawn from it, and still effective on paper, that all are rendered similarly nugatory when called into the field for active employment. The fact of this appeal must be known to all military men, and could be easily authenticated by a committee of Indian officers.

In provincial corps, the Adjutant is the superintending officer and major-domo.

The extra regiments un-official are six, the Local Infantry ‡ seventeen corps, the Provincial Battalions sixteen, Escorts ten, at foreign courts and of *Infantry alone*, constituting not less than 40,000 men, all being subject (as told the Proprietors of East India Stock, by that respectable officer, Colonel Lushington) to the halberts, and *are flogged illegally* from the want of interpreters.

A BENGALÉE.

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\* At present only ones—the adjutant.

† Before Bhurtpoor, all staff-officers were ordered to join for the service.

‡ Vide 'Oriental Herald' for January and March 1825, p. 97 and 603-4 of Debates.

Sipahs of the line, extra, local, and provincial, are subject only to court-martial and not to *civil authority*, judge or magistrate, in case of neglect of duty.

If no other European officer present with an extra local corps, the adjutant is superintending officer of court-martial invariably as in a provincial battalion.

## POPULAR TREATISE ON DOMESTIC MEDICINE.

*To the Editor of the Oriental Herald.*

SIR,

Croydon, Surrey, October, 10, 1826.

I HAVE lately written a 'Popular Treatise on Domestic Medicine,' for the use of unprofessional persons, and believing that such a book cannot fail to be of much service both to families and individuals resident in our Indian territory, or proceeding thither, I beg leave to call your attention to it, and to make a few remarks on the subject. I am induced to request this indulgence, chiefly because this volume appears to me capable of being peculiarly serviceable to European residents in hot climates, since it embraces a careful consideration of the nature, symptoms, causes, discrimination, and correct treatment of the most frequent and severe diseases of those regions, as well as of all the complaints met with in Great Britain; and as many of our countrymen in India are often placed in situations where able medical men are not always at hand, and acute diseases of an alarming character, calling for the immediate application of remedies, are very frequent, I hope you will consider the publication referred to, deserving of notice in your valuable 'Oriental Herald.'

Some medical men are averse to publications of this description, and assert that they are not calculated to do good; but the experience of many years has, I think, invalidated this assertion, for the demand for the well known treatise of Dr. Buchan has been almost universal, and scarcely a family is to be met with who do not, upon inquiry, promptly declare they have found that work of material service on numerous occasions, some of which were of no common importance. It is also indisputable, that many of the most distinguished physicians have highly approved of such works, when executed with correctness and perspicuity, among whom the late Sir John Pringle stands very conspicuous. These eminent practitioners are of opinion, that a faithful treatise on domestic medicine will not fail to be very beneficial to unprofessional persons, in directing them to the safest and most effectual means to be employed in case of sudden and dangerous illness, when a medical man is at a considerable distance, or is otherwise prevented attending directly; in making them acquainted with the best remedies for simple disorders; in teaching them how to be useful to their servants, or to the indigent poor; and in imparting correct ideas respecting the most proper diet and regimen in any given case. In addition to these advantages, such a book affords much valuable information with respect to the qualities, doses, and various useful combinations of those articles of the *Materia Medica* which are employed in domestic practice, many of which every

family finds frequent occasion for. But, without entering into a detail of the various ways in which such a treatise may be useful to the public, the single fact, that the timely and judicious use of a remedy, manageable by every one under the directions contained in this volume, is often of the greatest service both in moderating the onset of a disease, and in giving it a favourable direction subsequently, is alone sufficient to prove the value of the publication. With respect to its use in tropical climates, I consider it probable, that the timely employment of an appropriate internal remedy by the patient's friends, aided by the application of the external means recommended, may frequently have considerable effect in mitigating the severity, and checking the progress, even of the direful scourge *cholera*; and that the information here given is capable of directing the patient or his friends, to the adoption of measures of great utility in case of dysentery, diarrhœa, bilious and liver complaints, and other frequent and severe tropical diseases, I have had numerous and most convincing proofs.

In concluding these brief observations, I beg to remark, that the treatise on domestic medicine by the late Dr. Buchan, though a very able work, is certainly not calculated to show the present improved state of the practice of medicine, and I am informed by several eminent booksellers, that a modern treatise of this description has appeared to them a *desideratum*. To supply this want is my chief object in composing the volume which I would now introduce to your notice. In its composition, I have studiously avoided delivering any opinion not verified by personal experience, or sanctioned by the authority of distinguished professional men, and therefore hope that it will be found worthy of dependence in every point.

I am Sir, your obedient servant,

T. J. GRAHAM.

NOTE OF THE EDITOR.

We do not profess to be able judges of the comparative merit of popular medical books; but, in our opinion, the '*Domestic Medicine*' of Dr. Graham is very far superior to that of Dr. Buchan, even in the improved state of the latter. We believe an examination of the two works will fully justify us in this preference. The articles on Gout, Indigestion, Liver Complaints, and Cholera Morbus, in particular, appear to us to be much superior to those articles in Dr. Buchan's '*Treatise*'. We think the Work deserves, and will obtain success.

CAPTAINS MARRYAT AND THORNTON'S VIEWS IN THE  
 BIRMAN EMPIRE.

Six beautiful coloured Prints, drawn by Stothard, Webster, and Cox, five from Sketches taken by Captain Marryat, R. N., and one by Captain Thornton, R. N., have just been published. They are called a 'Second Series,' and are intended as a continuation of Captain Moore's 'Rangoon Views.' They are remarkable for picturesque and characteristic beauties, and are full of spirit in the details.

No. 1.—Represents the storming of the Fort of Syriam, a land position, by a combined force of soldiers and sailors; the effect of which is very animated, and conveys one in an instant to the scene itself.

No. 2.—Depicts the attack on the Dalla stockade, by gun-boats, transports, and troops. The former are very faithfully delineated, and the whole view bears marks of great fidelity in the representation.

No. 3.—Represents the attempts of the Birmans to retake the stockades of Dalla, on the night of September 6th, 1824.—This is perhaps the most interesting picture of the whole series. The tropical night-sky is very accurately represented, and the dim light in which the ships, boats, rowers, and land objects are faintly seen, is happily expressed.

No. 4.—Is a singularly beautiful representation of one of the Birman gilt war-boats, of immense length, rowed by twenty-six oars on each side, (the greatest number used in the barge of an English admiral seldom exceeding six on each side. The shape of the boat is light and elegant; its towering prow imposing, and the whole an object of great interest and beauty.

No. 5.—Is a view of an attack, by water only, of the stockades at the entrance of the Bassein River—an English frigate, the *Larne*; an East India Company's cruiser, the *Mercury*, and three transports with troops, are well drawn, advantageously grouped, and evince, in the accuracy of the most minute details, the hand of an accomplished artist.

No. 6.—Is from the pencil of Capt. Thornton, all the preceding being from that of Capt. Marryat. They are quite worthy of being companions: for this last, which represents the combined forces under General Cotton, and Captains Alexander and Chads of the navy, passing the fortress of Donabue, to effect a junction with Sir Archibald Campbell, is not inferior in interest to any of the preceding. The night scene, perhaps, alone excepted. There is an animation and life throughout the piece, of which every thing in it seems to partake. The steam vessel, the brig of war, the English gun-boats, the Burmese war-galleys, the artillery and the infantry on the river's bank, seem all in motion and pressing forward in the undaunted confidence of victory and success.

As characteristic and faithful views of Asiatic scenes and events, these engravings cannot fail to be generally interesting; and, without adverting to the moral considerations arising out of the actions they commemorate, on which our sentiments have been already often expressed, we can strongly recommend them to all who feel a desire to possess spirited and accurate representations of historical events.

## LAW REPORT.

LIBEL.—JAMES SILK BUCKINGHAM V. WILLIAM JOHN BANKES.

COURT OF KING'S BENCH, GUILDHALL, LONDON, OCT. 19, 1826.—BEFORE THE LORD CHIEF JUSTICE AND A SPECIAL JURY.

NINE Special Jurors having answered to their names, Mr. Brougham, for the plaintiff, prayed a tales, and the following Jury were then sworn :

Abingdon Paxton,	Thomas Pearson,	Henry Thomps,
John Moseley,	William Foster,	Charles Rowley,
Benjamin Adam,	Edward Hampson,	Robert Cockburn,
Thomas Whiteley,	Philip Gillespie,	Joseph Montley.

The case for the plaintiff was conducted by Messrs. Brougham, Hill, and Pattison ; Mr. Gurney and Mr. J. Parke appeared for the defendant.

Mr. PATTISON.—May it please your Lordship, and Gentlemen of the Jury, in this case James Silk Buckingham is the plaintiff, and William John Bankes is the defendant. The declaration states, that the plaintiff was about to publish a Book, called ‘ *Travels in Palestine* ’ ; that, preparatory to the publication of the said book, the plaintiff put an advertisement into a newspaper, known by the name and title of the ‘ *Calcutta Journal* ’ ; but the defendant intending to injure the plaintiff in the sale of the said book, did compose and publish a certain false and malicious libel, in the form of a copy of a letter, (which it is not necessary that I should now read,) dated, “ Thebes, June 12, 1819.” In this declaration the defendant has pleaded several pleas ; he has first pleaded that he is not guilty of *publishing* this libel ; secondly, he has pleaded that the whole libel is *true*, and he avers matter in support of the allegations contained in it ; the third plea states generally, that the *whole libel is true* ; the fourth and fifth pleas justify certain parts of the libel. To all those pleas the plaintiff replies that they are *not true*, and thereupon issue is joined.

Mr. BROUGHAM.—May it please your Lordship, and Gentlemen of the Jury, As I am very much afraid, that in the conduct of this cause, I shall have to occupy the attention of his Lordship and of you for some considerable time, I shall not preface the case which I have to lay before you with one single observation ; I shall state plainly what that case is ; I shall explain to you the relevancy of the situations in which these parties stood, one towards the other ; I shall describe to you from his own knowledge, and under his own hand, what was the conduct of the defendant towards the plaintiff, whom I, upon the present occasion, have the honour to represent ; and having done so, I shall then appeal to you to make such comments upon that conduct, and to draw such inferences from it, with respect to the reparation due to my client, Mr. Buckingham, as your judgments shall suggest ; I shall then dismiss the case into your hands with an entire confidence that you will do my client ample justice.

The plaintiff, Mr. Buckingham, is probably not wholly unknown to some of the gentlemen of the jury. He began life, at a very early age, as a sea-faring man, and, in due course of time, obtained the rank of a captain, which situation he held for some time, and, during that period, had been employed in those speculations of trade, which are necessarily connected with his profession. He had resided for a considerable period of time in the East, and had become intimately acquainted with the navigation of the seas in those parts ; he was also well acquainted with the manners, languages, habits, and commercial dealings of the natives. A treaty having been negotiated between the Pasha of Egypt and certain merchants in those parts, for the safe transit of merchandize across the Desert, it was considered highly expedient that the British merchants



resident at Bombay should become parties to that treaty. Mr. Buckingham, whose experience and competency were well ascertained, was pitched upon as the agent to carry into effect a treaty which he, in connexion with others, had entered into, and he, therefore, undertook, without any remuneration, save the expenses of his journey, to travel over-land to Bombay, in order, as I have before said, to carry into effect a negociation to which he himself was a party, and in which, if carried into effect, he was to hold a share. He accordingly set out from Egypt in the latter end of the year 1815, on his journey to Bombay, and having met with the accidents which are incidental to such journeys by land and by water, he was often delayed, but at length arrived in Syria, where still further delays were opposed to his progress. In consequence of the unhealthy nature of the climates through which he had to pass, he fell sick twice, and was for some time confined by illness; this, and other obstacles impeded the direct course of his journey. On his arrival in Syria, he learnt that the death of one Pasha of Damascus, and the succession of another, (events, Gentlemen, which, you are well aware, occasion in those countries tumults, and even revolutions,) rendered travelling through certain parts of that country quite impracticable, at least for an European. At one place, Bushire, he was delayed, I think about two months, in consequence of the impossibility of procuring a direct conveyance to Bombay from that port in the Persian Gulf. In consequence of the apprehension that those delays would retard, if not entirely prevent the accomplishment of his journey, Mr. Buckingham determined to forward, if possible, the despatches, the conveyance of which was the principal object of his journey, and the speedy arrival of which was a matter of great importance to himself, as well as to others. He, therefore, despatched a native messenger (who, we all know, in the then unsettled state of the country, would not be exposed to so much personal interruption as a stranger, and particularly as an European, and could, therefore, proceed with greater safety and rapidity,) with a copy of the treaty, and some letters to a mercantile house in Bombay, to the British Consul at Aleppo, to be by him forwarded from thence to their destination. The result of this proceeding was, that the despatches arrived at Bombay at a period considerably earlier than that of Mr. Buckingham's arrival, which (owing to the delays that I have already mentioned) was not until the latter end of the year 1816.

During that year, chance threw the plaintiff in the way of Mr. Bankes, who was then travelling for his amusement, pleasure, and instruction.—Mr. Buckingham made acquaintance with him at a convent, at or near Jerusalem; and as may happen to any two persons in the rank of gentlemen, (for although I am ready to admit that between my client and the defendant there was a difference in point of wealth, yet the station of each was that of gentleman,) they became very intimate, and the intercourse between them was rendered more close no doubt from the fact of their being the only Englishmen at that time in Jerusalem.—They joined in excursions round the neighbourhood, they visited all the interesting remains of antiquity, both sacred and profane, in the environs of that city; and, among other excursions, they made together a tour through a place seldom visited, I believe only once or twice for a great number of years, by foreigners, namely, the country east of the Jordan, now called the Hauran, but which was in ancient times termed the Decapolis, from the circumstance of there having been in those days no less than ten large cities in that small Province, one of the most interesting of which was called Geraza, and is now known by the name of Jerash. This city they visited together, but the whole tour, which was prolonged by an accident that Mr. Buckingham had met with, occupied only seven days out of twelve, which was the whole of the time that the plaintiff and the defendant passed together upon this occasion. They then parted, and after a separation of a few weeks they met again, and I believe even a third time.—During those occasional separations, a correspondence was kept up between them. From that correspondence, Gentlemen, I shall read some extracts, which will illustrate the footing upon which those two gentlemen stood. For although Mr. Bankes has thought fit to represent Mr. Buckingham in terms to which it will

be my painful duty to advert,—although it may have suited Mr. Bankes, by an extraordinary species of recollection to fancy that Mr. Buckingham was in a dependent situation upon him, I shall satisfy you, Gentlemen, from Mr. Bankes's own letters, when his recollection of what passed was not two years, but only three weeks old, that it was then only a recollection of their mutually agreeable acquaintance, of their pleasurable intercourse, and of the reciprocal benefit which might result from it, with perhaps, in the mind of Mr. Bankes, some ideal difference of station and fortune; but that the dependence upon, or the employment of, Mr. Buckingham by Mr. Bankes, was the last thing which could find a place in the imagination of this gentleman. The first letter that I shall read to you, Gentlemen, is dated "Acre, February 28, 1816." Mr. Bankes having parted with Mr. Buckingham on the 4th of February, owing to the accident of which I have already made mention, addresses Mr. Buckingham thus:—

"My dear Sir,—There is some fatality about my travelling engagements. I never made one in my life but circumstances turned out so as to prevent me from fulfilling it. Another letter from Seyde, and, above all, the *radical* change of the weather, determined me upon deferring my scrambling expedition to the Hauran, and turning at once upon the coast. I did not, however, give up the idea of JOINING YOU at once, but made an attempt from St. Hoor, where that excellent man, Hadjee Hamet, entertained me with the same hospitality, and almost affection, which you had described to me."

This shows that Mr. Buckingham must have before made Mr. Bankes acquainted with the nature of his accident, and the conduct of his host.

"Beisan, which is the ancient Scythopolis, is within a day's journey, and in the same jurisdiction; it lies in the plain of the Jordan, and is within a long day of Salt. I resolved to go to Beisan, and so MAKE MY WAY TO YOU, if I could find any body to *carry me*."

You see from this, Gentlemen, that the great object which Mr. Bankes had in view was to *join* Mr. Buckingham; he regretted the accident which had prevented this, and expressed his anxiety to shorten the interval of their separation. He says,

"I resolved to go to Beisan, and so MAKE MY WAY TO YOU, if I could find any body to *carry me*. When I came, I found that nobody would undertake it, for but the day before (my good fortune always brings me a day before, or a day after such adventures), the Bedouins had completely *pillaged* and *stripped* a body of merchants from Damascus, within two hours of the village, so there was an end of that scheme."

From this it appears, Gentlemen, that Mr. Bankes would have *joined* Mr. Buckingham if he had not been prevented by those impediments, to which all travellers in those countries are liable.

The next sentence in this letter will, however, place beyond all doubt the degree of intimacy which subsisted between those parties, and will give a direct and positive contradiction to the assertion, that one of these travellers was a dependant of the other. It will show you, Gentlemen, that the plaintiff requested the defendant to do that which he would not have taken the liberty of asking him to do, if there was any, the least foundation for the charge of dependency, which Mr. Bankes had, at a subsequent time, thought proper to make. He says,

"I am at a great loss to know what I ought to do with the baggage which you left in Antonio's charge; I cannot trust it alone to Damascus, and yet am afraid that you will feel embarrassed without it, on your arrival there. As I reckon that you will pass from thence across to Seyde, I shall take it with me so far, and leave it in Lady Hester Stanhope's charge. As you have no *visits of ceremony* to make at Damascus, perhaps you may continue your Bedouin habit during your short stay there, without inconvenience, (and I am disposed to hope that your stay there will be as short as possible)."

Short as Mr. Buckingham's separation from Mr. Bankes was, you see, Gentlemen, in this letter, that Mr. Bankes expresses a desire that it should be still shorter. The letter goes on,

"I shall remain with Lady Hester Stanhope about five days, and if I do not turn round for Damascus, which will depend a good deal upon her advice and upon circumstances, I shall make my way pretty direct for Aleppo, lengthening out my road by excursions, however, here

and there, to give you time to come up to me, so that I trust that at the latest we may meet in Aleppo, and make our journey to Palmyra together. Believe me, dear Sir, most faithfully yours,  
WM. JOHN BANKES."

After this, Gentlemen, the parties met again, and having continued together for a short time, again separated, each to pursue his own route. The plaintiff, however, received, soon after, a letter from the defendant, dated Damascus, April 12th, 1816, which however I do not think it necessary to read for the present: suffice it to say, that it begins in the friendly words, "My dear Sir": it laments the Plaintiff's illness, regrets their separation, and after entering into some observations respecting places which both had visited, concluded with these words, "Enter old Chaboeau and the toad-eater, so adieu," alluding, of course, to some person known to them both by this elegant epithet.

Gentlemen, sufficiently long was Mr. Buckingham's stay at Jerash, when he accompanied Mr. Banks, sufficiently minute were his observations, to satisfy himself as to the importance and value of the antiquities which were to be found there; but not sufficiently long was his stay, nor sufficiently minute were his observations, to enable him to do the subject that justice which it demanded; for, on looking back upon the scenes which had presented themselves, and upon bringing his recollection to bear upon the observations which he had made, he found that it was absolutely necessary to pay a second visit, in order to make his observations more in detail, and to correct the errors into which the hasty visit that he had paid must inevitably have led him.—This, Gentlemen, he was induced to do with the view of giving the result of his observations to the public (1). The plaintiff, accordingly, visited

(1) Mr. Brougham did not recollect that Mr. Buckingham's subsequent visit to Jerash was not as a matter of curiosity, or for the purpose of correcting his notes on it merely, but in consequence of being driven out of his route, and being compelled to pass through it a third time: when, being on the spot, he profited by the occasion, to make the notes and corrections referred to. To show that this is not an explanation now for the first time made of this change of route, the following extract from the '*Calcutta Journal*' of November 9, 1822 (in answer to certain accusations founded on Mr. Banks's libel, and repeated by the '*John Bull*' in India), is given at length. It is also contained in the Appendix to the '*Travels among the Arab Tribes*,' published in 1824, and will be found at page 617 of that work. It is as follows:—

"All the reasons which forced me to go to Jerusalem (where I did not go by choice) are detailed in the '*Travels in Palestine*.' When there, the inducement to go with Mr. Banks by Jerash and the east of Jordan, to which he invited and pressed me for his own advantage, as he could not speak a word of the language, was, that while the whole of the country under the Pasha's dominions was unsafe to move through, the independent country of the Arabs of the east of Jordan was subject only to the ordinary dangers of Bedouin intruders, not half as important as those of political disturbance in the peopled territory. In doing this, therefore, I was actuated by strict attention to the trust reposed in me, though I gratified my curiosity at the same time. On coming near Tiberias, it was my intention to part from Mr. Banks and to proceed straight on to Damascus, and thence to Aleppo, without a moment's loss of time; when the unfortunate accident detailed in the printed volume, of the fall of my horse, and a severe injury sustained by me from the fall, compelled me to turn into Nazareth to receive medical aid and repose, till the wound was sufficiently recovered to proceed. After some delay and recovery there, another attempt was made to get to Damascus and Aleppo by the way of Tiberias, which was interrupted by the road being infested with robbers, so that my guides would not proceed, and we were obliged to retrace our steps. An attempt was then made to go with a caravan from Nablous, but this was also frustrated. The details of all these interruptions, and their causes, are given in the printed volume already before the world, and cannot be unknown to those who have read it.

"Finding all hope, therefore, of getting on as expeditiously or as straightly as I had expected by Aleppo and Mesopotamia, some other route was necessarily thought of; and meeting with a Christian Arab at Nazareth, who undertook to act as my guide in a journey from thence to Assat on the S. E. of the Dead Sea, where he assured me I could procure Arabs who would take me straight across the Desert from thence to Bagdad, the plan appearing feasible, and offering a hope of my yet following soon after the letters sent to that city, I pre-

Jerash a second time, made ample notes of the observations which then presented themselves, corrected the bearings of the buildings taken on his first visit, these bearings taken on the first visit being so very imperfect, that Mr. Buckingham had actually found himself under the necessity of remodelling the ground plan constructed by the joint exertions of himself and Mr. Banks, and of laying down an entirely new ground plan of the City of Jerash, according to the bearings accurately taken at the second, and less interrupted visit.

When Mr. Banks wrote the libel, of which my client so justly complains, Mr. Banks must have known that the facts were otherwise than he had stated them: I say he must have *known* the facts to be otherwise, unless, indeed, he had forgotten a great deal; and, I am sure you will agree with me, Gentlemen, that he must, when I tell you, that he had actually read,—when I shall show you, under Mr. Banks's own hand, that he actually refers to the notes made by my client at the second visit to Jerash. Mr. Banks's reference is made to certain notes on a place called Adjeloon, which begin on the back of the very page on which the description of Jerash, drawn up from my client's second visit to that place, ends; so that, as he admits in writing

pared for this really perilous and hitherto untried journey. The whole of this was subsequent to the period at which the Travels in Palestine close, but notes of all the time are fortunately preserved. My small stock of baggage was left with Mr. Banks, to be taken by him to Damascus, the only place to which I could return in the event of my being driven back, which it was necessary to provide for; and in the dress of a Bedouin Arab, without servant, groom, interpreter, or assistant of any kind beyond that of the guide, I set out, with a poor horse (to avoid all temptation to robbery), without a single change of linen, and only bread, water, and dry dates, in a sack, to undertake a journey in which there was a positive certainty of much suffering, imminent risk of plunder and murder, and nothing then known but a waste country and a sandy desert to see! These were the risks which I encountered to fulfil to the best of my ability the second portion of the trust of Briggs and Co. (the first having been discharged), and force my way to India (with the additional risk of banishment also when I got there), to do a vast benefit to these merchants, for the paltry consideration of a slave's allowance, bare maintenance while employed; and even this I should never have accepted, but that, like many honest and unfortunate men before me, I had not the means to procure bread, except at the risk of my life for the benefit of others.

"I passed, after much difficulty, five or six days' journey south-east of the Dead Sea, near to Karak Moab; but here new obstacles arose, and we were driven back, being obliged to fly and retrace our steps to Assalt, an independent mountain station of Christian Arabs, who are almost constantly at hostility with one or other of the Mohammedan tribes of Arabs around them. We were detained here some days, and finding further progress to the southward impracticable, I determined on going to Damascus through the Hamran in nearly a straight line, so as to try again to reach Aleppo. It was in this *retreat*, it it may be so called, that the third visit to Jerash was made, not to gratify an idle curiosity, but because it lay in the direct route, and could not without a detour be avoided. Adjeloon fell into the same track, and the whole of the Hamran that was subsequently traversed was in the straight prosecution of my journey. During this stay at Damascus, my meeting with Mr. Banks took place, on the 23d of March, when all the notes of the journey made during his absence were shown to him, to which he subsequently referred in his letter of April 12; and from that time onward, during which I was detained by illness with Lady Hester Stanhope, and by various obstacles elsewhere, not a day was lost in getting to Aleppo as fast as possible, where I arrived safe, after greater dangers than almost any former traveller in Syria had ever run, in the month of May 1816."

"Here Mr. Banks again met me, arriving a few days after I reached the town: but to show how lightly the greatest objects of curiosity weighed in my mind, compared with the faithful discharge of my duty, I may mention this fact, that Mr. Banks was pressingly urgent for me to accompany him to Palmyra, a journey of four or five days only; and although the ruins of that city are perhaps better worth seeing than all Syria put together, I resisted his solicitations, and, rather than sacrifice even so small a portion of time, lost an opportunity of seeing the finest ruins in the world, and went with a dull and wearisome caravan through the only route then open, of Orfa, Diarbekr, and Mardin, to Mosul, in Mesopotamia."

that he had seen and read the one, it is hardly possible that he should not have seen the other.

Mr. Buckingham having, after this, extended his tour, and visited several of the most interesting districts of the East, in each of which he took notes of such places and circumstances as in his opinion were deserving of observation, he at length arrived in India, where, having shown the notes of his *Travels* to several persons eminent for their rank and learning, they were deemed sufficiently interesting and important to be sent forth to the world, as a new and valuable addition to the stores of rare and instructive information. In consequence of the opinion thus honestly communicated to him, Mr. Buckingham resolved to publish a book of travels, and he accordingly inserted in a Calcutta newspaper, of which he was then the proprietor and editor, an advertisement, stating that his '*Travels in Palestine*' would be published as speedily as possible. Mr. Bankes appears to have first seen this advertisement in Egypt; and there was given in it a list of the chapters, among which, it did so happen that there were two or three that referred to Jerash, the ruins of which he had, in company with Mr. Bankes, visited; although all the other chapters related to places which Mr. Buckingham had visited without Mr. Bankes, their joint journey forming, indeed, a period of seven days only, out of a tour extending over more than ten weeks.

The Gentlemen of the Jury will have the goodness particularly to observe, that this advertisement professed to give an account of a tour extending over ten weeks of time, seven days of which only had the plaintiff been in Mr. Bankes's company. Mr. Bankes seeing this advertisement, seeing that a *part* of the work related to Jerash, although he knew, full well, that Mr. Buckingham went there a second time without him, although he was well aware that, on this second visit, Mr. Buckingham had made more full and accurate observations, although he was well aware that Mr. Buckingham had committed those observations to writing, and that he, Mr. Bankes, had had those written observations in his own hands; still, with a jealousy, to which I know no parallel, with an irritability as to the claims of another to the mere privilege of seeing for himself, and unaccompanied by Mr. Bankes, any thing which he had once looked at in his, Mr. Bankes's, company—to go to any place—to dare to tread upon the ground hallowed by the foot-steps of Mr. Bankes—to dare to make any observations upon places ever described by his pencil, or even in his private conversation, he actually, Gentlemen, gets into a passion, (I know no other equally appropriate phrase, by which to characterize it,) at the bare thought of any interference with his privileged ground; part of the Holy Land, Gentlemen, (*laughter*) no doubt, in his eyes, deriving additional sanctity from the fact of his having once honoured it with *his* august presence!—That any person should even *visit* the place, much more *write* about it—that any person should visit it, and avail himself of his faculties to make observations, was enough to enrage Mr. Bankes beyond all bounds. But that Mr. Buckingham should write one word, much less give any thing like a ground-plan of Jerash, was too much to bear; and Mr. Bankes, without waiting to look at the book which the advertisement announced, without waiting to see if Mr. Buckingham had availed himself of any thing which was not his own property, the result of his own observations and researches—without sending a note or message—without writing a letter to Mr. Buckingham, who was his intimate friend, and with whom (I have it under his own hand) Mr. Bankes had had the most familiar intercourse—without asking the man, for whom he had once professed an unbounded friendship, for whom, when they last separated, his friendship was apparently undiminished; yet, without asking this man how he got his materials for the work,—without asking him, as a friend, whether they were the result of his own labours or not,—Mr. Bankes wrote such a letter, as I venture to say, he must, himself, now wish never to have been the author of,—such a letter as the plaintiff had never before or since received,—such a letter, as *no* man (I appeal to you, Gentlemen of the Jury, to bear out the truth of my assertion) could receive from one who had once professed to be his friend, without feeling his heart deeply

lacerated by its imputations; and, lest any thing should be wanting to rankle the deep wound thus inflicted by one who had formerly been a friend, this letter was not intended for his eye alone, as a copy of it had been given unsealed and open to a gentleman not on terms of intimacy with the plaintiff, to the friend of Mr. Banks—to a gentleman in the employment of the East India Company, between whom and Mr. Buckingham I may, at least, venture to say there was no great cordiality. The letter, Gentlemen of the Jury, was given to the person to whom I have alluded, for the purpose of showing, and probably with instructions to show it in India, as the opinion entertained respecting Mr. Buckingham by Mr. Banks, a gentleman who had had the best opportunities of setting a proper value upon his character. The letter, which I now pronounce to be a false, a foul, and a slanderous libel, does not, Gentlemen, begin as you might naturally expect from the style of the other letters which had passed between the plaintiff and the defendant, and some of which I have already read to you, with “My dear Sir,” or even “Dear Sir,” but mark—it begins thus—“Mr. Buckingham”—It is dated, “Thebes, June 12, 1819,” and this is the opening paragraph:

“Mr. Buckingham.—After some anecdotes respecting your conduct, which you cannot but suspect have come, however late, to my knowledge before this time, you cannot expect that I should address you otherwise than I should the *lowest of mankind*. It is indeed with reluctance that I *stoop* to address you at all. It will require, however, no long preface to acquaint you with the object of this letter, since your own conscience will point it out to you, from the moment that you shall recognise a hand writing which must be familiar to you, since you have copied it, and are about to turn the transcripts to account.”

Gentlemen, there is no ground whatever for the imputation conveyed in the passage, which I have read to you. This was written because Mr. Buckingham had announced his intention to publish certain observations on Jerash; and Mr. Banks, by this statement, broadly charges Mr. Buckingham with having larcenously used manuscripts confidentially intrusted to him respecting that city. Gentlemen, can you believe Mr. Banks when he says, that he did not expect Mr. Buckingham would have published any account of his visit to Jerash? It followed as a matter of necessity, that when Mr. Buckingham published the observations of his travels, he must have published, as he had always intended, his description of the ruins of Jerash. Mr. Banks must have known this, when he thus, without waiting for the appearance of the plaintiff's book, foully slandered him by anticipation.

“You have hoped that the distance of place would betray you, you have hoped that I should shrink from proclaiming that I have been imposed upon, it would have been far more polite in you to have shrunk from being proclaimed the man who has imposed.”

Here, Gentlemen, the defendant again assumes that he has been imposed upon. He assumes, without having ever seen the book about to be published, not that it was a common and ordinary plagiarism—no such thing—but that it was the result of a larcenous (I repeat the word “*larcenous*,” for I cannot find any other word which could adequately express the notion that must have pervaded the mind of Mr. Banks when he penned this letter) using of manuscripts confidentially intrusted to the plaintiff. Mr. Banks assumed that which cast upon my client the most foul and base imputation; but if he could have restrained his indignation, or rather, I should say, his irritability and jealousy, until after the book had appeared before the world, he would have felt convinced, whatever he might say to the contrary, that there was not a shadow of a shade for supposing *any portion* of the work of Mr. Buckingham to be the result of their joint visit to Jerash.—But no! That the work professed to give *any* description of Jerash was enough to excite, in the breast of Mr. Banks, every feeling of jealousy, and a disregard for a plain statement of facts. The letter goes on, Gentlemen—

“In that advertisement by which you announce *as your own* the works of another, you have at least spared me the humiliation of being named in the list of your friends.”

Now this, Gentlemen, is meant for a very cutting sarcasm—for a very keen and barbed-pointed sneer. As a plain man, I take leave to make a plain

observation, at which I hope Mr. Banks will not take offence. It certainly does strike me, that if Mr. Buckingham, in his advertisement, had inflicted upon Mr. Banks what he deems to be the *last humiliation*—if the advertisement had stated the name of Mr. Banks,—if it had stated that he and Mr. Buckingham had visited Jerash,—if it had stated that Mr. Buckingham had been much aided by his, Mr. Banks's, company,—that he had derived considerable benefit from Mr. Banks's judicious remarks, and that he had profited by the results of his learned curiosity,—if, Gentlemen, Mr. Banks had, in this advertisement, been subjected to *such humiliations*, it does somehow or other strike me that this letter never would have been written. But, unfortunately for Mr. Buckingham, his advertisement contains no allusion to the obligations that he owed to Mr. Banks; it does not even mention the name of Mr. Banks; but it announces that which is more galling to Mr. Banks than (if possible) any act of omission,—it announces that Mr. Buckingham had, unaccompanied, (mark that, Gentlemen,) paid a visit to Jerash—the sanctum sanctorum of Mr. Banks.—(*Laughter.*) As this advertisement contains that which, no doubt, must be very cutting to his self-love, I cannot but congratulate him upon having escaped the *humiliation* of having, as a set-off against the *other humiliations* inflicted upon him, not the mention or even the slightest allusion made to his name.

"Though the motive of this," he continues, "is sufficiently obvious, and it furnishes in it self both a proof and an aggravation of your culpability, yet some of those who are made to appear in that list, would rather, I am persuaded, that you had invaded their property as you have mine, than have subjected themselves to so unmerited a stigma."

You see, Gentlemen, of what materials these travellers are made; Mr. Banks is not the only one in whom jealousy and irritability are so prominent. Those qualities belong more or less to the whole race of travellers. Mr. Burckhardt, better known by the name of *Sheikh Ibrahim*, was one of the chosen few who had ever visited the sacred ground; and Mr. Burckhardt having got information that Mr. Buckingham had traversed it, and was about to turn his travels to account, Mr. Burckhardt, who, up to that period, had been upon intimate terms with Mr. Buckingham, immediately commenced writing a series of abusive letters against Mr. Buckingham, though certainly not more abusive than the letter which is the subject of the present action. Mr. Banks, not satisfied with his own insinuations against my client, and with lashing him as he can, takes advantage of the moment when Mr. Burckhardt can no longer answer for his aspersions, when he no longer lives to have his calumnies refuted and felled down by the strong axe of plain truth, when he no longer lives to be convinced to his face that he has calumniated Mr. Buckingham, and to be compelled to retract the slanders which he has uttered,—when that man is no longer above the surface of the ground to answer in his proper person for his foul and unfounded aspersions, Mr. Banks ransacks the tomb of the dead, he rakes out of the dust the calumnies of private letters, aye, private letters,—not like the libellous letter of Mr. Banks, delivered unsealed and open, with instructions to the bearer to publish the contents to the world,—and having extracted from these private letters the former spleen of the dead, he incorporates it with his own living wrath, and distills the concocted venom of both, to ruin, if he can the reputation of my client.

"One amongst the number," he says, "(whom you would not have dared even to allude to had he been alive), is unhappily unable to repel the imputation in his own person,—I mean the late Mr. Burckhardt, whom you so impudently cite as your bosom friend. The boast is rash and ill-timed. Are you not aware that copies of a letter are extant in which he styles you a villain, in which he says, 'the rogue can be brought to a sense of duty only by a kick'! Do you mean, then, to publish your own disgrace by letting the world know how well you were known to that excellent person, who, during the two last years of his life, lost no opportunity of testifying his contempt and aversion for your character? Do not imagine that these sentiments were confined to the page of a single letter; Sheikh Ibrahim was too open and too honourable to wish others to be deceived as he had been for a time himself. Had his letters to me reached me sooner than they did, I should have had timely warning to beware

how I trusted you, and you would never have had that opportunity which you have seized of abusing my kindness and confidence."

Gentlemen, I assure you I know not in what language to comment upon the conduct of a man who makes the letter of a person now no more, use, through the agency of a living slanderer, towards another gentleman, words the most gross, foul, and unbearable that the human tongue can utter. I, Gentlemen of the Jury, do not wish to give utterance to what I *feel* towards a man who could be guilty of such conduct; and I shall pass it by with this one observation, that the defendant owes it as an act of justice to produce that letter in evidence, and thereby clear himself from all suspicion of having calumniated the dead in order to wound the feelings of one of whose success he is jealous.

I have now stated to you, Gentlemen, the general charge made by the Defendant against my client. I have called your attention to the general bearings of it, but now he comes to particulars:

"It is beneath me to expostulate with you, but I will state some facts to yourself which I have already stated to others,—that the journey beyond the Jordan, to D'Jerash and Oomkals, was arranged, and the Arabs under engagement to conduct me thither, before I ever saw you; that you introduced yourself to me by a letter, stating that you were intimate with some of my best friends, and studiously concealing from me (both then and afterwards), that you were in any person's employ."

Mr. Buckingham, Gentlemen, denies most positively that he ever made a *secret* of his employment. This statement is a mere fabrication; so far from Mr. Buckingham having studiously concealed his employment, he openly and avowedly proclaimed his destination, and the object of his journey, and now challenges Mr. Bankes to prove that any concealment had been practised. What motive could Mr. Buckingham have for concealment? His mission was most respectable.—It was well known at Alexandria,—it was well known at Bombay, the place of his destination; and that mission was as little matter of shame to Mr. Buckingham, as Mr. Bankes's purpose was matter of shame to him.

"You introduced yourself to me by a letter, stating that you were intimate with some of my best friends."

Here, Gentlemen, is an insinuation, that Mr. Buckingham was sailing under false colours; but I shall prove to your perfect satisfaction, that Mr. Buckingham *was* intimate with Mr. Bankes's "best friends." He was intimate with Colonel Missett; with Mr. Burckhardt he was very intimate, and in almost daily intercourse. Thus commenced the intimacy between Mr. Bankes and my client. That the acquaintance was *courted* by Mr. Bankes, that during the short intervals of their separation, he was anxious to *rejoin* Mr. Buckingham, and that he regretted the impediments which had opposed his *wishes*, Mr. Bankes's own letters most clearly demonstrate. Those letters I have read to you, Gentlemen, and it is therefore unnecessary to comment upon them; they stand in need of no illustration,—they speak for themselves in language perfectly intelligible.

"That it was at my invitation (I being always under the supposition that you were a *free agent*), that you went with me, having previously agreed to take down my notes and the journal when I should wish it."

Gentlemen, did any man living ever hear of an amanuensis being hired for a tour of seven days? The thing is wholly incredible,—it is not worthy of refutation. Who took down Mr. Bankes's notes before he saw Mr. Buckingham? Who took down his notes after he and Mr. Buckingham separated? Mr. Bankes himself. What evidence then is there for the assertion, that he had deviated from his usual practice, and hired an amanuensis for those seven days? Mr. Bankes asserts in his letter, that Mr. Buckingham was employed by him in an almost *menial* capacity.—If such were the fact, I ask my Learned Friend to show what *salary* Mr. Buckingham had received.—My Learned Friend can, I am certain, show nothing of the kind; and if I had no other reason than Mr. Bankes's silence upon *that point*, at a moment when he was raking up the ashes of the dead, in order to procure materials of invective



against my client, I should feel perfectly satisfied that no salary had been paid to Mr. Buckingham. That being the case, can *you*, Gentlemen, can any man who tries the assertion of Mr. Banks by the rules of common sense, give it the slightest credence? But, says Mr. Banks,

"The whole expenses of that journey were upon me."

Gentlemen, assuming this to be true, I could not imagine that the untutored Arab of the Desert should upbraid a man with hospitality of this kind. I am sure that in a country, of which Mr. Banks ought to know something, in a country where the refinements of the Orientals are but little known,—I say, that in that country, no man, after quarrelling with another, even when he had good grounds for the quarrel, would ever have visited upon one who had formerly been his friend, nay, not only his friend, but his guest,—I say, that in that country no man would have visited upon his former friend as an aggravation of his conduct, the hospitality which he had experienced. "The whole expenses of that journey were upon me." Gentlemen, the fact is *not* so: Mr. Buckingham did pay his half of the expenses of that tour. If by "expenses" Mr. Banks means the *preparations* for the whole tour, the Arab guides, interpreters, the purchase of horses, and I know not what; my answer to Mr. Banks is plainly this:—Your tour extended over several weeks, of which Mr. Buckingham was your companion for six or seven days only: those expenses were incurred, and must have been defrayed, if Mr. Buckingham had not accompanied you; but Mr. Buckingham has paid you his proportion of the expense during the time that he accompanied you, and thus relieved you from some expense which you must have defrayed, if he had not accompanied you. But what, Gentlemen, do you think the expenses of this seven days' tour amounted to? Every man must be aware that travelling in a country where there are no inns, no post-horses, no chamber-maids, no waiters, no ostlers, no boots, must be trifling indeed.—In those countries, when a man knocks at your door, he calls not with a long bill, but he comes perhaps with orders to bring your head. In those countries, the state of society is such, that hospitality to travellers, which in civilized countries is an ornament, becomes a matter of duty, a matter of absolute necessity. There, it is either hospitality or war: but as to *expense*, it is out of the question: the expense consists of some trifling presents to the natives, and a few piastres to the guides.—The whole expense of this seven days' tour, amounted only to 216 piastres; half of which enormous sum, (about 2*l.* 10*s.* English,) Mr. Buckingham paid to Mr. Banks! If I am asked, Gentlemen, whether I can give *proof* in a Court of Law, that Mr. Buckingham has paid that sum, I must at once admit, that it is out of my power to do so; but, for my own part, I feel perfectly convinced, that the fact is so, and I shall state to you freely what are the grounds of my conviction. The first, is, (and that would be sufficient of itself, in a case of greater importance) Mr. Buckingham's positive assurance that he has done so: and the next is, an entry to that effect in his account of his travelling expenses.—You may easily see the difficulty, Gentlemen, of a man proving such a transaction as this, in any other way, even if the parties had never been on terms of intimacy; but that difficulty is increased, when you consider, that the transaction was between men who lived upon terms of the most friendly intercourse, who addressed each other, "Dear Sir," and "My dear Sir," who mutually communicated to each other their most private observations.—Between such persons, it is not very probable that stamped receipts would have passed, even if stamps could have been procured in that country. On their return to the place from which they had set out, the expense of the journey was ascertained. Mr. Buckingham paid his share, and there the matter ended.—I doubt much, whether, in this country, fellow-travellers keep their accounts much more accurately. I admit, that as matters have turned out, it would have been but an act of proper prudence on the part of Mr. Buckingham, to have required some voucher from Mr. Banks; but that he did not do so, is only a proof of the mutual confidence that subsisted between them.

"The notes and the journal," continues Mr. Banks, "were in great part taken down from

my month (especially what relates to D'Jerash), with the exception of that of the two or three last days, which were written with my own hand, and afterwards copied fair by you."

Now, observe, Gentlemen, the notes and the journal were either *written* by Mr. Buckingham, to the dictation of Mr. Bankes, or by Mr. Bankes himself; so says Mr. Bankes.—Then, of course, the notes so written by Mr. Buckingham, and the fair copy made of Mr. Bankes's notes, must, if Mr. Buckingham were employed as the amanuensis of Mr. Bankes, be in Mr. Bankes's possession. They will of course be produced.—If not, there is an end of that part of the foul accusation against my client, that he has surreptitiously, I shall again repeat the word which most adequately expresses Mr. Bankes's imputation, that Mr. Buckingham has *larcenously*, for the lucre of gain, turned to his own account, manuscripts which had been confidentially entrusted to him. If my Learned Friend, Mr. Gurney, shall produce those notes, (if such were ever in existence,) we are in a condition to refute the foul slander; for not only was the advertisement sent forth, but the book itself was actually published, before my client received Mr. Bankes's letter.—The advertisement appeared in India, in October 1818, and the manuscript arrived in England, in the early part of 1819, full six months before the date of Mr. Bankes's letter.—Such as the manuscript left India, such is the book published in England; such was it prepared, long before the plaintiff could by possibility, have known of the charge made by the defendant. I say, Gentlemen, let that book, so proved to have been written, so known to have been published, *before* the receipt of Mr. Bankes's most abusive letter,—let that book, I say, be compared with those manuscripts, which, if Mr. Bankes's statements be correct, *must* be in his possession; and if it should be found that, chapter after chapter, as it is insinuated, but not so pleaded; or if page after page, (as it is pleaded,) of the printed book, shall be found to correspond with the notes written by Mr. Buckingham to the dictation of Mr. Bankes,—if there should exist those coincidences that identify them, I shall be ready to admit, not that Mr. Bankes would be justified in addressing any gentleman in such language as is contained in this foul libel, but I shall be ready to admit, that Mr. Buckingham's conduct furnished colour for such charges.

Gentlemen, when two men enter into a discussion upon the same topic, and mutually communicate to each other the observations which present themselves to their minds, the observations so communicated become common property; what was yours becomes mine; and even in a few hours, but much more so after the lapse of years, it is impossible to say to whom originally belonged the observation which appears in the portfolios of both. I do not mean to deny, that one or two observations contained in Mr. Buckingham's book, might not by possibility be found upon Mr. Bankes's manuscript notes; but I challenge my Learned Friend to show me, in the language of the record, that page after page of the printed book corresponds with the notes taken by Mr. Bankes.—If my Learned Friend cannot do that, and I am *sure* he cannot, then must the author of this publication be considered a foul and malicious libeller. Gentlemen, I particularly pray your attention to the next passage of this letter:

"But, above all, that the plan of the ruins at D'Jerash was constructed and noted with my own hand; and that all the assistance that I derived from you, even in collecting the materials for it, was in *your* ascertaining for me the relative bearings of some of the buildings with my compass."

Now, "ascertaining the relative bearings—" I consider to be a very great assistance in laying down a plan of this description. A man may know a great deal about ancient languages, a great deal about the manners and customs of different countries; he may be well acquainted with old authors; he may be fully competent to the *very arduous* task of keeping a manuscript journal. All those capacities he may have; and yet, when he comes to make a plan of a city, he may find that the honest sailor, who has, for a number of years, been accustomed to the use of the compass, who can, by its assistance, guide over the desert, the camel, which has been, not inaptly, designated

the *ship* of the desert, he might find such a man's assistance not only necessary, but absolutely indispensable to him in drawing a plan. I do not mean to say in the *mere drawing*, but in the *laying down*: for the drawing, which consists in making a few figures, and circles, and lines, is a matter of minor consideration; *every thing* depends upon the relative positions of the objects, upon the admeasurements, and upon the relative bearings and distances being accurately taken. Mr. Banks does not seem to think so, when he says, "You *only* took the bearings." My client *only* did that which, it appears, Mr. Banks himself could *not* do. Mr. Banks might with as much justice say to the man who had afforded him the rights of hospitality, "You *only* given me meat, drink, and clothing." "But," says Mr. Banks to my client, "it is true that you took the bearings, but that is no merit of yours, for they were taken with *my* compass!" Let every man, Gentlemen, from henceforward, be careful how he writes with another man's pen, or another man's pencil, because, according to the doctrine of Mr. Banks, the property of a delineation is not in the delineator, but in the owner of the instrument by which it was delineated. If Lord Byron had, in a luckless hour, come across the path of Mr. Banks, and borrowed from him the pen with which he had committed his poetical effusions to writing, we should hear Mr. Banks claiming as his own, 'Childe Harold,' 'The Corsair,' or 'The Bride of Abydos.' "It is true," Mr. Banks would, no doubt say, "that Lord Byron *wrote* these poems; but then, he wrote them with *my* pen; (*great laughter*)—and I therefore claim them as *my* property." I have heard, Gentlemen, of the jealousy of women, of the jealousy of Turks, of the jealousy of hair-brained projectors, and of the proverbial jealousy of poets; but *their* jealousy is nothing more than perfect placidity, when compared with the jealousy of travellers. I will give you, Gentlemen, twenty women, ten Turks, five hair-brained projectors, and five poets, I classify them according to their relative proportions of jealousy, and I will put against the jealousy of the whole, the jealousy of one single traveller, when the question is respecting ground on which *he* had once set his foot, or a plan of a city, or of a building, which *he* had at any time drawn.—(*Laughter.*) In this amiable trait of the character of a traveller, this libel will, I am satisfied, convince you that Mr. Banks is not at all deficient: but the best of this is, that Mr. Buckingham not only did not *publish* Mr. Banks's plan, but that he *never intended* to do it. When, as I have already told you, Mr. Buckingham paid a second visit to Jerash, he found that the bearings which had, under great inconveniences and disadvantages, been taken at the first visit, were so defective, that he was obliged to re-model the first plan entirely. There is, I am ready to admit, some similarity in the outlines of the two plans, as, of course, any number of representations of the same place, *must* have some general points of resemblance. But I shall call before you witnesses, who will prove that eight out of ten of the bearings of the second, are different from those of the first plan; and that objects and buildings altogether omitted in the first plan, were inserted in the second plan. All the defects of the first plan were rectified; and the only plan published by Mr. Buckingham corresponded exactly with his notes and bearings taken upon his second visit to Jerash, and ready to be produced in Court. Mr. Banks assumes in this letter, that because Mr. Buckingham had traced Mr. Banks's plan, without any objection on the part of Mr. Banks, he had no right to publish it. I say, that if Mr. Buckingham had *wished* to publish the first plan, he had a perfect *right* to do so; because he had taken the bearings for Mr. Banks, and therefore the plan was their joint property. It was the result of their joint labours; and that Mr. Banks was at one time of the same opinion is quite clear, from the fact of his having permitted Mr. Buckingham to take a tracing of the plan, at the window of the Convent of Nazareth. Mr. Banks must, at that time, have known for what purpose Mr. Buckingham wished to make a tracing of the plan. Why did he not then object to it? Because, I suppose, he did not then remember that the bearings were taken with "*my* compass;" and he thought, very justly, that Mr. Buckingham had a property in the plan. The libel then proceeds—

"Surely you must laugh at the simplicity of your subscribers when you are alone, with whom you are to pass for a draughtsman, being ignorant of the very first principles of design."

Mr. Buckingham does not pretend to be a finished draughtsman; he has published nothing which could lead the world to believe that he has any pretensions of the kind; but he does pretend to be able to draw well enough for common purposes. He can do what almost all travellers (who, I hope I may say, without offence, are not, in general, the best draughtsmen in the world,) do; he can bring back a sketch sufficiently intelligible to enable a man who has never travelled, to make a more perfect drawing, and to express that which he had never seen.

"For an accurate copier of inscriptions, being ignorant of all the ancient languages."

We have no means here of ascertaining Mr. Buckingham's knowledge of languages, as he cannot himself be examined in evidence; but even if it were so, that he is ignorant of the ancient languages, he is not *therefore* the less capable of copying ancient inscriptions. If he did not know a letter of the language in which the inscriptions were engraved, he would be on that very account the more likely to take a *fac simile* of them than the man who, understanding the language, would be naturally induced to ascertain its meaning in English. There is an old anecdote told of the celebrated printer, Elzevir, which is perfectly applicable. He used to employ women to correct the press, and he assigned as his reason, that they kept their eyes on the matter before them, and that, as they understood nothing about it, their whole mind was occupied in taking care that there was no omission; but that when he employed Greek and Latin scholars to perform the same duty, they attended to the merits of the work, and did not attend to the matter before their eyes. I have always found that all travellers, even those who were well acquainted with the ancient languages, first took down *fac similes* of the inscriptions, and never thought of the task of decyphering until after they had accurately taken down the inscriptions themselves. That, therefore, being the practice of the best scholars, I cannot see how ignorance of ancient languages, supposing it even to be true, can be urged as a proof of a man's inability to copy inscriptions.

"And, for an explainer of antiquities (says Mr. Bankes), being incapable of even distinguishing between the architecture of the Turks and the Romans."

Certainly a man who knows not the difference between Saracen and Roman architecture must be most lamentably ignorant of that science; and he must be a most impudent pretender who, with his mind in such a state of ignorance, would affect for a moment to explain antiquities. If Mr. Buckingham's mind be in that state of ignorance respecting architecture, Mr. Bankes can prove it; but I shall show you that this is not the fact; and what witness do you think I shall call to prove my case? What witness shall I call to negative those imputations—to negative this piece of gratuitous malice with which Mr. Bankes closes his invectives? Not satisfied with having vented his indignation in charges of the blackest dye, against the moral character of my client; not satisfied with having violated the sanctuary of the tomb, to rake up against him the vile calumnies of one now no more,—he closes his invectives with a sarcasm and banter upon the ignorance of my client; and although, when he made the statement, he must have *known* the contrary to be the fact, he charges Mr. Buckingham with knowing less of science than the commonest mechanics of the country; he accuses him of being ignorant to such an excess, that he does not know the difference between Turkish and Roman architecture! What witness shall I call to confute this slanderer? Gentlemen, I shall call Mr. Bankes himself; not as to what he might have said in conversation, which might be forgotten or misrepresented; but I shall produce to you a letter, written by Mr. Bankes himself, who, before he wrote this libellous letter, requested Mr. Buckingham to return him all the previous letters he had received from Mr. Bankes, on the plea that the observations made by Mr. Bankes in those letters might be of service

to him in completing an account of his travels. Mr. Buckingham immediately complied with this request; and Mr. Banks then, no doubt, entertaining feelings of jealousy and hostility towards Mr. Buckingham, thought he might with perfect impunity retract every word that he had ever written to the credit of Mr. Buckingham. I venture to assert, Gentlemen, that if Mr. Banks had, on the 12th of June 1819, the date of the libel, known that Mr. Buckingham was in possession of the letter from which I shall now read you an extract, he would in that letter have preserved a steady silence respecting Mr. Buckingham's knowledge of architecture. The letter to which I allude was one that was missing at the time the others were returned; the whole of them having been placed in the upper part of a small leather portmanteau lined with cotton, in the usual manner; and the heat of the climate, then at its height, was so great, that the English wax which had been used in sealing this letter of Mr. Banks's, melted, and the letter, with a shorter one enclosed in it, adhered to the lining of the portmanteau. The possession of such a letter by Mr. Buckingham was unknown to Mr. Banks when he wrote the libel which is the subject of the present action; and it was equally unknown to Mr. Buckingham until it was accidentally, I may say *providentially*, discovered by him after his arrival in India, when it was preserved, and has been most fortunately retained for his vindication (2). This letter bears no very indirect testimony to

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(2) The history of the discovery of this letter, or rather letters (for there was a second enclosed in the first), is so remarkable, that it deserves to be given in detail. It is extracted from the defence contained in the *Calcutta Journal*, of November 9, 1822, and will be found also in the Appendix to the '*Travels among the Arab Tribes*,' at page 612. The following is the account of the event:—

"On my parting with Mr. Banks at Aleppo, he for Palmyra (where, if I could only have forgotten Briggs and Co. for ten days, I might have gone with him, of which I have written evidence), and I with a dull caravan across the Euphrates into Mesopotamia, he gave me a kind and highly complimentary letter to his father's particular friend and Dorsetshire neighbour, Sir Evan Nepean, the governor of Bombay, which did me some service in saving me from a second transmission, as my licence did not reach India until after my arrival at Bombay. At that moment, as we were about to part for many years, and perhaps for ever, while we stood on the steps of Mr. Barker's dwelling, Mr. Banks said to me, as nearly as I remember,—'I believe I have no notes whatever of my journeys, except the drawings I have made, and the letters that from time to time I have written to you. The first are numerous, and the last are, I believe, longer letters than I ever wrote to any body before. As you are not in my case, but have very copious notes of your own, I hope you will give me my letters back again. Indeed, if I mistake not,' he added, 'I have hinted to you in some of them that I should, perhaps, wish them again for my own reference and assistance.' I did not hesitate a moment, but opened my baggage, all then packed (little as it was), got out my papers from the upper part of a small old English portmanteau, the part where loose clothes are generally stuffed, and returned him every letter of his that I could find. There was one only that he remembered to have been missing, which was the longest of the whole, and one of those that he had particularly mentioned as desiring me to keep for his own use. We tumbled the baggage over and over again, but it was not to be found; we both regretted it; but, as I had promised to send him home, from Bombay, copies of some plans and descriptions of temples in Nubia, which I offered to give him to incorporate in a work that he intended writing on that country, and to add gratuitously to the stock of *his* materials, I promised that when I sent these home to him I would also send, if I ever found it, a copy of his letter, or the original.

"We parted with mutual expressions of regret, prayers for our safety, promise of future correspondence, &c. &c., in all of which Mr. Barker and his family sympathised and joined, and I at length reached Bombay.

"Soon after my arrival there, when intending to get rid of my old and worn-out travelling packages, I gave, among other things, the little leather portmanteau to my servant, to sell for himself, or make any use of he thought proper; and as servants sometimes look sharper into holes and corners than their masters, mine brought me back the portmanteau the next day, to show me that two letters had stuck fast in the very inner part of the covering, from whence they were detached, having closely adhered to the cotton ticking cloth, by the heat melting the English wax, and one letter being within the other. I was both surprised and pleased to find

Mr. Buckingham's competency to decide a question of architectural doubt.—This, Gentlemen, is an extract from it :

"By the bye, FROM THE DESCRIPTION IN YOUR NOTES of the fortress of Adjeloon, I am almost persuaded that that also is Saracen work. Bostia, you will remember, has the rustic masonry all over it; and instances of the fan or shell niches are without number, though I know you are of a different opinion, AND I WILL NOT VENTURE TO SET MINE AGAINST IT."

Adjeloon is situated about twenty miles distant from Jerash, and the fact of Mr. Bankes having perused the notes taken by the plaintiff at Adjeloon, is, in my mind, Gentlemen, a most convincing proof that he must have read the notes taken by the plaintiff, on his second visit to Jerash, because they are not only all in the same book, but those on Adjeloon, to which he expressly refers, begin on the back of the very page on which the notes on the second visit to Jerash are concluded.

"Though I know you are of a different opinion, and I will not set mine against it!"

Now, Gentlemen, if the plaintiff be so ignorant as he is represented in this libel to be,—if he be so ignorant as not to know the difference between Roman and Turkish architecture, Mr. Bankes would not have cared a straw about his opinion. What!—can you believe, for an instant, after having heard the passage, "and I will not venture to set mine against it," that Mr. Bankes did not feel satisfied that Mr. Buckingham was well acquainted with the architecture of the ancients? Can you believe, then, that when Mr. Bankes penned the sentence imputing such gross ignorance to Mr. Buckingham, he did not feel convinced that he was giving vent to his malice, even at the expense of truth? The letter goes on,

"I have been very careful and exact in my drawings, which are in great number; and——"

Here comes, Gentlemen, another general compliment to Mr. Buckingham's abilities, and another proof that his ignorance is not so excessive as Mr. Bankes has stated it to be in his letter of the 12th of June 1819:

"I DO NOT THINK YOU WILL BE ASHAMED OF HAVING YOUR NAME ASSOCIATED TO WHAT I MAY ONE DAY OR ANOTHER THROW TOGETHER INTO FORM."

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these to be letters of Mr. Bankes, and one particularly, the long one that was remarked to be missing, and for which we had made such diligent search at Aleppo in vain; I never dreamt, however, that they would prove of such essential service to me, and therefore attached no importance to this event at the time, though at this moment I regard it with mingled feelings of wonder and gratitude.

"It was after Sheikh Ibrahim's 'paper' on me reached Bombay, that I sent home to Mr. Bankes, as I had promised him, my manuscript plans and notes on Nubia, addressed to him in Palace Yard; but as I thought his letter too valuable to be risked (on account of its interesting contents only), I sent a copy, which I knew would answer Mr. Bankes's purpose, and kept the original, which is now in my possession, and which I shall preserve to the day of my death, if possible, as a memento of how much I owe to this providential preservation of a sheet of paper.

"As Mr. Bankes continued out of England, I believe from the time I left him till he wrote me his letter from Thebes, my Indian letters could not have reached him, so that he had no reason to believe that I had preserved a single scrap of paper in my possession that bore his name. It may seem unwarrantable in me to say it, but I nevertheless firmly believe, that at the moment of Mr. Bankes writing me his insulting, and to him disgraceful letter, he was fully convinced that I had not a single tittle of evidence beyond my bare assertion with which to oppose his statement. With him it was a seemingly safe game to play. There were, at least, a hundred chances to one that he should win, and he embarked his all (for reputation must be that to every man who would maintain the rank and character of a gentleman in England), but justice held the balance, and his hundred chances were but as a feather against the one that fortunately weighed them all down.

"But it is time that the letters should be given. They are the only ones, except two or three very short notes, that I retain, out of more than twenty that I received from him at various times and places, many of which might have contained more marked proofs than even these on many points of dispute; but, thank heaven! these are quite enough."

Here, then, Gentlemen, is Mr. Bankes, whose purpose it now suits to represent Mr. Buckingham as the most ignorant of impudent pretenders, sitting down (after recent observations, after having had recent intercourse with Mr. Buckingham, his fellow-traveller and joint observer,) and writing, under the impression of recent knowledge, that he is actually contemplating a plan for *associating the name of Mr. Buckingham with his own*, in a work which he then intended to lay before the public. The libel proceeds :

"I have said enough. It is in vain to attempt to make a man sensible to ingratitude who has been guilty of fraud."

Gentlemen, it is rather difficult to find out what Mr. Bankes (considering that he is a learned man) means, by making a man sensible to ingratitude. I wish, indeed, that the man who thinks fit to twit and chide others for not having learned the ancient languages, would, when he writes in English, condescend to express himself in the plain vernacular tongue, in which Englishmen talk and understand it, and not leave us to guess his meaning. Perfectly inaccurate and unintelligible (in a grammatical point of view) as are the words "sensible to ingratitude," it is easy to discover what Mr. Bankes means by those words. He means (most falsely) that Mr. Buckingham has added ingratitude to fraud; and when he says, that it is "in vain to attempt to make a man sensible to ingratitude," he means to say, it is impossible to make a man sensible of gratitude who has been guilty of fraud. Gentlemen, I beg you to bear in mind Mr. Bankes's own statement. He says, "I drew the plan; I paid the expenses of the journey, and you took notes for me." Well! there is blood for blood. According to Mr. Bankes's own account, there is no balance. His statement is, "I satisfied you for what you did for me." I deny, Gentlemen, that such was the fact; but I merely state it to you, in order to show that, according to Mr. Bankes's own account, the charge of ingratitude, or as Mr. Bankes is pleased to express it, the charge of being "sensible to ingratitude," cannot be maintained. When Mr. Bankes asserts that Mr. Buckingham has surreptitiously made use of his drawings, he is perfectly intelligible; but I trust that I shall satisfy you that no such thing has happened. Perhaps Mr. Bankes means to say that Mr. Buckingham has availed himself of some literary and erudite communications made by him during their intercourse in the East. If that be his meaning, then I say Mr. Buckingham has a set-off against those communications; for Mr. Buckingham, whether he be well versed in *ancient* languages or not, was as capable of *observing* as Mr. Bankes. He had been familiar with the manners and customs of the East, and well acquainted with those *modern* languages, of which Mr. Bankes knew *nothing*. This knowledge, on the part of Mr. Buckingham, and the information derived by means of such knowledge, and freely communicated to Mr. Bankes, will, if set off against Mr. Bankes's literary communications, square the account between the parties, and put an end to obligation on either side. But, supposing for a moment that there is a balance in favour of Mr. Bankes, and that he has contributed more in the shape of information than Mr. Buckingham has, of what use to Mr. Buckingham could the improvement derived from Mr. Bankes's information be, if he were not permitted to use it in the work which he has laid before the public? What great obligation could a man confer upon another by communicating useful information to him, and telling him at the same time, "You must not treasure this up for the improvement of your mind, or for the advancement of your interests." I have yet to learn, Gentlemen, of what value would be the hospitality of the man, who should say to his friend, "I have invited you to my table; I have heaped the board with the most expensive viands; I have been lavish in my expenditure to convince you of the sincerity of my invitation, but you are so 'insensible to ingratitude,' you are such a paragon of thanklessness, that you are actually proceeding to *consume* the meat and drink which I have set before you!" (*Laughter.*) That, Gentlemen, is the amount of Mr. Bankes's charge, where he says that my client has improved his mind, and stored his journal with information communicated to him by Mr. Bankes. But I say, Gentlemen, that if my learned friend, Mr. Gurney, shall produce Mr. Bankes's notes and ma-

manuscripts, you will find, upon a comparison between them and Mr. Buckingham's published work, that they have *not* been transferred to Mr. Buckingham's book. This, then, being the case, there is no ground for this part of the libel,—there is not, in the published work of Mr. Buckingham, a tittle, which any man of common fairness or common candour can say, would justify the accusation thus preferred by Mr. Bankes against my client. The libel concludes in the following words:

“What I demand is, the immediate restitution of those copies from my papers, without exception, and without your retaining any duplicate of them. Let them be put into the hands of Sir Evan Nepean, whom I have begged that he will do me the favour to take charge of them (3); and let all that portion of the work advertised that treats of a journey made at my expense, and compiled from my notes, be suppressed. I leave you otherwise to take the consequences. Should you persist, the matter shall be notified in a manner that shall make your

(3) Mr. Bankes was not content with merely sending Mr. Buckingham the libellous letter in question, and waiting for his explanation of the points in dispute, or for his giving up the materials pretended to have been copied from his writings or plans,—on which condition he pretended that he would forbear all further proceedings. Without waiting to see the issue of his application, he, on the same day (June 12, 1819), writes home to his father in London, enclosing him a copy of this libellous letter, or one exactly the same in substance, giving him authority to publish it over all England, if he chose; he sends another copy, through Mr. Hobhouse, to India, giving him authority to show it to any one he thinks proper, in his progress through the greater part of Asia; and he writes, at the same time, a letter to Sir Evan Nepean, then governor of Bombay, of a nature calculated to do Mr. Buckingham the most serious injury: so that, even if the latter *had* complied with his demand, on condition of which, it seems, he was to be considered as having expiated his *intended* offence, the measures taken to destroy Mr. Buckingham's reputation were as effectual as if they had been founded on the actual certainty of his obstinate persistence in guilt. In corroboration of this assertion (as it tends greatly to aggravate the crime of Mr. Bankes), it is necessary to adduce some proof; and, on this account, the introduction here will readily be forgiven, of a letter written to Mr. Buckingham when at Calcutta, by a gentleman of the highest character, at Bombay, communicating this fact. The letter was, no doubt, not intended for publication; but, as its appearance is to serve the great ends of justice, it is believed that the writer himself will rejoice at its being made available to such a purpose. It is as follows:—

“TO J. S. BUCKINGHAM, ESQ., CALCUTTA.

“Bombay, 5th June, 1820.

“MY DEAR SIR,—I write you at present rather hurriedly, being on the point of setting out for Poona. I am chiefly induced to do it at this moment, to mention to you what probably you already know,—Mr. Bankes's consternation and rage at seeing the prospectus of your travels. He wrote to Sir Evan to discourage the work, to withdraw his name, &c.; the letter was opened by Mr. Elphinstone, who showed it to me, as your friend: I said you would, I was sure, be ready to publish the letter in your paper, to give it all the publicity Mr. Bankes could desire. Mr. Bankes seems to have written you himself, I suppose in a style of resentment. He suspects you of pilfering from his manuscript journal, or copying his plans, especially of Jerash, or not mentioning his name, though you travelled with him at his expense, and the plan was laid down *with his measure*. He desires a copy to be sent to Lord Hastings, and beseeches Sir Evan, in his own and in his father's name, to discontinue you. Mr. Elphinstone had thoughts of sending the letter to the Marquis, sending you a copy of it at the same time, that you might not be taken by surprise. I told Mr. E. you was the last person in the world to deny such pecuniary obligations as you might lie under to Mr. Bankes; that you had uniformly talked with praise of Mr. Bankes's learning and enterprise, and with envy of his talent for drawing; that, as to plans, you were as well qualified as he to take them, and that you did not pretend to do more than sketch. Mr. Hobhouse, a brother of the Westminister Hobhouse, arrived here a few days ago from Egypt, having met Mr. Bankes at Trieste, highly indignant with you. I told him that Bankes was run away with a needless clamour; that you were as ready as any man to grant his merits, &c. &c.; and, on seeing him a day or two after at the Library Society's rooms, where he had been running over the pages of your journal, he confessed that he thought Bankes had been precipitate, and was high in praise of your ability. He has left this in the Syren, for Calcutta. Find him out; he has been over France, Germany, Italy, the Ionian Isles, Syria, and Egypt, in his way out, and can give you the latest news of them all, as well as of England. He is a very intelligent; active-minded man; I believe he was connected with Palmer's house; I thought it as well you should know what Bankes was about, that you may not be taken by surprise, even should his letter not reach you.

“I was happy to receive the small sum between us, as it afforded a proof of your prosperity. Long may it continue and increase.

Yours sincerely,

W. ERSKINE.”



## *Libel—Buckingham versus Banks.*

notorious in England and in India as it is already in Egypt and Syria (4). You have not duped an *obscure individual*, who is obliged to bear it, and to sue.

" W. J. BANKES.

This letter was written, I did not know that the person to whom it was addressed was of the paper in which his *longwinded* (4½) advertisement appeared; but suppose he still at Bombay." (4½)

Then, there is, undoubtedly, in this letter, much trifling, no little jest, and a great deal of ridiculous nonsense; but there is also much that is deeply; and the mode taken for its circulation is the best that could be adopted for the purpose of insuring that the pain which it must all be sorely grafted. The letter, Gentlemen, was given to a Mr. Buckingham. It was read by that stranger, and, in addition to it was accompanied with instructions to that stranger to show it to well those who knew Mr. Bankes, as those who did not—men Mr. Bankes was unknown, but to whom his name, his station, his rank in society were not unknown. It was to be also seen by whom Mr. Buckingham was known, and to men by whom he was

And when we are all aware that such is the base nature of man, those who knew Mr. Buckingham well, would be prone to believe that he might be uttered by a powerful calumniator. I am satisfied that you will, with me, that those with whom his intercourse was more limited, perfectly convinced of the truth of those calumnies. Mr. Bankes is to this attack against my client considerable advantages, not a name, a well-known name, a respectable connection with high in-

The notoriety Mr. Buckingham's character might have acquired in Egypt or Syria, he quitted those countries, and was wholly owing to the industrious propagation of calumnies by Mr. Buckhardt and Mr. Bankes—then-selves the authors as well as of the slanders now so successfully refuted. The notoriety, if any, was therefore not his; and it is not a little remarkable, that they should urge against another as of which they themselves had been the sole creators. As to giving Mr. Buckingham's character notoriety in England, Mr. Bankes did not want to see whether he was or not, before he attempted to stum his reputation in Europe, as well as to be shown by the pains taken to spread, through his own father, all the lies written by himself; and when Mr. Buckingham's Travels in Palestine actually England, without a scrap of Mr. Bankes's pretended materials having been in him, and yet without any portion of the book being found capable of being true, his rage was ungovernable; and he then wrote the disgraceful article in the review, which is now known, on Mr. Murray's own authority, to have been

Bankes himself, and which Murray subsequently acknowledged, in open court, to be unfounded calumnies, humbly apologising for its insertion, as well as to demand all justification, and to pay damages and costs, of which, it is said, Mr. Bankes, the author of the article, who having got him into this difficulty, refused to repay any

and expression is such as would hardly be expected from one who was acquiring energy in classical attainments, but, like the phrase "sensible to ingratitude," meant, perhaps, on the score of more solid learning having entirely engrossed the credit and profound antiquarian.

It bears well to state, that the individual to whom this letter was addressed being the writer in some part of Europe, no immediate proceedings, legal or otherwise, entered into except the refutation which it was fortunately in the plaintiff's at once to the calumnies it contained. The following reply was all that was necessary to the author of these calumnies. The refutation followed, and the result was:

" Calcutta, June 22, 1820.

I received your insulting and infamous letter, dated Thebes, June, 1819, only a few days as well as its copy sent here by the hands of Mr. Hobhouse. I enter into no further remarks here on the subject, than to state that it contains a most abominable falsehood; that I regard you, therefore, as having forfeited the name of a gentleman; and that I shall use the means your own previous letters to me in (fortunately preserved) furnish, of proving to the world the baseness of your conduct."

" J. S. BUCKINGHAM."

John Bankes, Esq."

fluence, and the possession of unquestionable wealth ; and, armed by all those powers, the slander was sure to pass current, and inflict upon my client a wound both deep and sore. He has endeavoured by the letter to point and barb that dart, which, if it has not effectually reached its object, it is no fault of his. It is true, that he has not employed his malice in that metal which is more easily measured in the memory, better calculated to give pain, and to make it stick longer where it strikes. Mr. Bankes, well aware that his shaft has not wounded as deeply as he could have wished, appears before you this day, to show the goodwill with which it was directed ; but if the declaration can afford him satisfaction, I can assure him that he has done enough ; that he has given pain where it was meant, and that he has done to the feelings of my client, and of his former friend and companion, deep and serious injury. By this action, the columniator has been invited to prove the truth of that which I pronounce to be a false and foul slander ; and he says *the whole is true*. By his plea of justification, which he has placed upon the record, he says that all he has asserted is true. Let him prove it to be so, if he can ; and if he fail, and fail I predict he will, he must take the consequences of an act which, I feel satisfied, Gentlemen, that you and I, and every man, must pronounce to be an aggravation of the original transgression. Mr. Buckingham, after all the vexatious delays which have been occasioned—after all the difficulties which have been opposed to the speedy trial of this cause—after all the serious expenses with which its progress has been encumbered by the defendant, comes before you this day, to seek redress for the serious injury which he has sustained ; and although he has the fullest hopes and confidence that you will, by your verdict, remove, as far as in you lies, the deep stain which this foul libel was calculated to fix upon him, yet the fullest reparation, in the shape of damages, which you can award him, will not give him the less reason to look upon the day on which he first met Mr. Bankes, as one that ought to be marked with the blackest dye—will not give him the less reason to number, and to place high, the day that first introduced him to the acquaintance of Mr. Bankes, not among the days of ancient friendships that are now no more—not among the days of those departed loves which we weep over—but among the worst days of those bad perils that beset the path of the wayfaring man.

#### EVIDENCE FOR THE PLAINTIFF.

*Henry William Hobhouse, Esquire, examined by Mr. Hill.*

MR. HILL.—What is your Christian name, Mr. Hobhouse ?—Henry William.

Were you in the Civil Service of the East India Company ?—Yes (4<sup>th</sup>).

You have refused to see the solicitor for the plaintiff, to take down your evidence in this cause ?—Yes.

Excuse me for having asked you the question, but it was necessary that I should do so (5). Take this letter in your hand, Sir, (presenting to him the

(4<sup>th</sup>) And now (having retired on a fortune) a candidate for the situation of a Director of the East India Company.

(5) It is but justice to Mr. Hobhouse that the facts of the case should be clearly explained, in order that no false impression may be created by this imperfect allusion to a perfectly well known fact. On Mr. Hobhouse's reaching England, it was communicated to him, by the plaintiff's solicitors, Messrs. Vizard and Leman, that in the action pending between their client and the defendant, every thing depended on the fact of whether he, Mr. Hobhouse, did really receive the libellous letter from Mr. Bankes open, and with instructions to show it to other persons or not. By Mr. Bankes's pleading, on the record, that he was *not* guilty of the publication alleged, or, in other words, that he did *not* give it to Mr. Hobhouse in the manner and for the purposes described, the plaintiff had been for months unable to proceed to trial, and had at length, after much difficulty and expense, been compelled to send a commission to India, for no other purpose than to obtain Mr. Hobhouse's evidence to this simple fact. He was requested, therefore, by the solicitors, to say, whether this was really the case or not. If Mr. Bankes's plea, that he was *not* guilty of the publication, could be substantiated, it would

libellous letter of Mr. Banks) ; did you receive that letter from any person, and from whom ?—Yes, I think I did receive this letter ; I think so because there is some of my handwriting on it.

Have you any doubt about it ?—No, I have not.

From whom did you receive it ?—From Mr. William John Banks.

At what time and place did you receive it ?—I cannot say the time exactly ; it was the end of the year 1819 ; but the place was Trieste.

In what state did you receive it ?—In this state, (showing the letter open). Unsealed ?—Yes.

Did you read it at the time in the presence of the defendant ?—I read it, but I do not think he was present. He sent me the letter ; it came to my hand in that way, (showing it open).

Did you ever have any conversation with Mr. Banks about that letter before or after you received it ?—I had.

Describe it.—Oh ! I can't.

I don't mean the exact words ; but the nature of it. Was the conversation about the letter ?—Yes, it was, partly.

Give the nature and object of it ?—I have no recollection exactly about it ; but I should think, that as well as I remember, the nature and object was, that he had seen Mr. Buckingham in Syria ; that Mr. Buckingham was going to publish some book, which he (Mr. Banks) thought unfair with reference to himself ; inasmuch as Mr. Buckingham had fallen in with him in Syria, and

be useless for Mr. Buckingham to proceed, as the very first step in his case was to prove this. If, on the other hand, the letter really *was* published as described, it was desirable to know this, before proceeding any further, as on the above must depend the possibility of going on with the case. Mr. Hobhouse was further assured, from many quarters, that there was nothing unusual in a solicitor's being made acquainted, before the trial, with the evidence which his client's witnesses could produce ; but that, on the contrary, this course was uniformly pursued, as it must, in every case, depend on the knowledge of what evidence can, or what cannot be produced, whether a cause can be undertaken or proceeded in with any hope of success. These representations, however, appear to have made no impression on Mr. Hobhouse. He would neither see the solicitors, nor communicate to them what he knew of the matter, *pro* or *con*. They were not even able to serve him personally with a subpoena in London, though one was sent by letter, of which no notice was taken, and it was not until Mr. Hobhouse went to Cheltenham, that the agent of the London solicitors, at that place, were enabled to serve Mr. Hobhouse personally with the subpoena, requiring him to attend. The facts are, however, detailed in the professional letter of the parties employed in the cause, and these are therefore subjoined :—

“ To J. S. BUCKINGHAM, Esq.

“ *Lincoln's Inn Fields, August 10, 1826.*

“ DEAR SIR,—Mr. Hobhouse successfully avoided our various attempts to serve him with a subpoena in your cause against Mr. Banks, while he remained in London ; we, however, enclosed him a subpoena in a letter, but as that was not good service, we thought it right to have him served by a solicitor at Cheltenham, where he then was, and on the other side we send you a copy of that gentleman's letter in reply.

“ We are, dear Sir, very faithfully yours,

“ VIZARD and Co.”

(COPY).—“ To MESSRS. VIZARD AND CO.

“ DEAR SIR,—I served a copy of the subpoena sent by you on Mr. Hobhouse this morning, who told me he did not think he should be able to attend at the trial. I offered him a guinea, and to let him have any money he wanted for his expenses, both of which he refused ; he took the copy, and said he had been served with one in London, and, as he supposed the plaintiff would not like to pay him £100,000 for attending, he did not think he should attend, as he should be out of the country. I am, Sir, your most obedient servant,

“ *Cheltenham, August 18, 1826.*

“ EDWARD J. FRANK.”

The day of trial approaching, and Mr. Hobhouse being found to have left Cheltenham, without any intimation of his change of residence, or any notice left at his last place of abode where he was going, or where he was to be found, the most serious apprehensions began to be entertained for his appearance ; and, accordingly, the plaintiff himself, having accidentally found out that he was gone to Brighton with a view of embarking for France, but that a letter at the post-office there would find him for a few days to come, hastened off to Brighton, with an introduction to a legal gentleman there, Mr. Skene, for the purpose of finding him out and repeating the service of the subpoena personally, to insure his attendance. Nearly two days, however, were spent in fruitless search over all Brighton, for the person of Mr. Hobhouse. A

had attached himself to him, and that he considered it excessively unfair towards him; I mean Mr. Buckingham's work.

What about the letter?—He said that he wrote a letter to Mr. Buckingham from Thebes, and that he would send me a copy of it; he then sent me this, (showing the letter).

Did he make any request, as to what was to be done with the letter?—I have got the letter which he sent me with it.

That is what we want. Is that letter in his handwriting?—I see no secret about it.

Mr. HILL.—No secrets here, certainly.

Mr. HOBHOUSE.—Do you want the letter? (producing it).

Mr. HILL.—Yes. Before you received that letter had you any communication with Mr. Bankes as to what was to be done with Mr. Buckingham?

LORD CHIEF JUSTICE.—Do you wish to read the letter which accompanied what you call the libel.

Mr. HILL.—Yes, my Lord.

LORD CHIEF JUSTICE.—Then let that be read before you go any farther.

[The Honourable Mr. Abbott, Junior, then read the following letter:]

“ TO HENRY WILLIAM HOBHOUSE, Esq.

“ November 16, 1819.

“ DEAR SIR,—I have found, this morning, the rough draft of the letter which I wrote to Buckingham, on the first sight of his advertisement in the Calcutta Journal; I send it to you enclosed. There may be some verbal variations, since I kept no duplicate of it, but it is essentially the same throughout. A motto, which I have prefixed to the copy, will explain to you my reasons for putting it into your hands (6). I wish you to show it to Mr. Barker at Aleppo, and to Mr. and Mrs. Rich, at Bagdad. You may make what use you think proper of it, when you go to India; but if you find the work is withdrawn, it will be better perhaps to be merciful.

“ Yours, &c.

J. W. BANKES.”

messenger came for his letters to the post-office, but no address was left there for their guidance. Not a single inn, or boarding-house, or library, contained his name on their lists; the master of the ceremonies, who is generally acquainted with the arrival and departure of every individual visiting the place, knew nothing of the name; and, on the evening of the second day's fruitless search, the plaintiff was about to return to London in despair, with a conviction, that, if Mr. Hobhouse should not attend to *prove* the publication, the defendant would not *admit* it, and that a nonsuit would be certain, which would burthen him with the whole of the expense of the proceedings, little short of £3000. Fortunately, however, though at the last hour, the discovery so much wished for was made; and Mr. Skene succeeded in personally serving the witness with the subpoena required. Even then, however, Mr. Hobhouse would not pledge himself to attend; but, on the contrary, stated that he should not do so, unless he were obliged. In consequence of this communication, a letter was addressed to him by Mr. Buckingham, pointing out the liability of any witness refusing to attend a subpoena, not merely to an attachment for contempt of court, but also to an action for whatever damages might result from the absence of his testimony; and adding, that besides the serious consequences to the plaintiff if a nonsuit should ensue, it was necessary, for Mr. Hobhouse's *own* sake, that he should appear, to prove he had Mr. Bankes's *authority* for publishing the letter, as Mr. Bankes's plea was, that he was *not* guilty of publishing it; the only inference to be drawn from which was, that, as its publication was undeniable, it must have been an *unauthorised* publication, which of itself insinuated an implied or direct breach of trust. This representation obtained from Mr. Hobhouse an admission, that *if*, upon inquiry, the facts and consequences were found to be as stated in the letter referred to, he would certainly contrive to be in court at the trial. The result would seem to be, that such inquiry proved the accuracy of the statement, since Mr. Hobhouse came into court, and gave his evidence accordingly, which, of course, was all that was required of him.

(6) When this letter was delivered up by Mr. Hobhouse to Mr. Palmer, this motto was so effectually obliterated by being crossed over with ink, that it was impossible to make out one perfect word of the whole. It appeared, from the terminations of the lines, to be an extract from the poems of Metastasio; but, in the opinion of Mr. Hobhouse, it was so improper or so inappropriate that he erased it entirely, and wrote underneath it, in his own hand, the following words, “ I desire this motto not to be noticed—Henry William Hobhouse.”

*Examination of Mr. Hobhouse, by Mr. Hill, resumed.*

At that time were you going to Aleppo?—I intended it, but I did not go to Aleppo.

Did you show it to any person in Bagdad?—No, I did not go there.

What did you do with it in India?—I don't recollect any thing else about it, but giving it to Mr. Palmer in India (7).

You showed that copy to Mr. John Palmer of Calcutta?—Yes.

Did you show it to any body else?—I think I did, at Bombay.

What is the name of the person at Bombay to whom you showed it?—If to any body, it was to Mr. Erskine (8).

What situation does he hold?—I don't know.

Was he not an officer of the Supreme Court?—Yes, I believe he was.

Was he not Sir James Mackintosh's son-in-law?—Yes, he was.

You were to have shown it to Mr. and Mrs. Rich also?—I don't know them.

You showed the letter to Mr. John Palmer. Did you leave it with him then, or did you show it to others?—I did not show it to any other persons there, to my recollection; but I did not leave it with him immediately.

Eventually, what did you do with it?—I gave it to him.

Had you any conversation with him as to the contents of the letter?

Mr. GURNEY.—I object to any evidence respecting such conversation (9).

Mr. HILL.—But the witness got the letter with instructions to make what use he pleased of it.

LORD CHIEF JUSTICE.—He showed the letter to Mr. Palmer, but what he then said to Mr. Palmer is not very material.

*Mr. Hobhouse cross-examined by Mr. Gurney.*

My Learned Friend has asked you whether you did not refuse to see the attorney for the plaintiff; did you not refuse to see the attorney for the defendant also?—Yes, I did. I wished to have nothing to do with the business (10).

By Mr. BROUGHAM.—You have never communicated to the plaintiff's attorney the letter which you have this day produced?—No, not the letter (11).

The libel (the whole of which, with the exception of the following extracts,

(7) A gentleman, who was in court on the day of trial, stated, and was ready to give evidence of the fact, but it was then thought unnecessary, that he was himself at Patras, in the Morea, soon after Mr. Hobhouse passed through that place on his way to Egypt: and heard from Mr. Green, the British Consul there, that Mr. Hobhouse had shown him Mr. Bankes's letter; and that it formed a topic of conversation at that place.

(8) It will be seen by Mr. Erskine's letter, already given, what took place at Bombay, at the time of Mr. Hobhouse's arrival there.

(9) The reader is requested to mark especially the eagerness of Mr. Gurney to reject the evidence of Mr. Hobhouse's conversation with Mr. Bankes, when it is likely to make against his client; although (as will be afterwards seen) he is as eager to press the evidence of Captains Irby and Maugle's conversation with Mr. Bankes, when it is expected, by him, that it will make against the character of his opponent. This is the "fairness" of some gentlemen of the law.

(10) The wish was very natural; but the question arises, whether, after *having already had* so important a share in the business, as to have been the instrument through which certain slanders were propagated to the world, it was not rather too soon to cease to have any thing more to do with the business, before equal pains had been taken to remove the injurious impression created by those slanders, by assisting the calumniated individual to obtain justice from his accusers.

(11) Mr. Hobhouse subsequently admitted, in an open conversation that passed between him and the counsel on both sides, from below the bar, after quitting the witness-box, that he had, the day before, communicated to the defendant's attorneys, the fact of his having such a note or letter, though he had not made this communication to the attorneys for the plaintiff.

### *Evidence for the Plaintiff.*

was read by Mr. Brougham in the course of his address to the jury) put in and read.

"It is hardly necessary to remind you, that you neither copied a single line made a single sketch on the spot: since you are, I know, incapable of the ordinary ignorance of Latin and Greek must, I should suppose, unfit you for the other: and you had not a single sheet of paper on which you could have done either, if I except a book, about four inches square."

"The great ground plan was traced at a window of the convent, at Nazareth (servants can testify), and you have copies from my drawings of the tombs of Oom at the same time: these last are probably to furnish the vignettes and appropriate which are announced."

LORD CHIEF JUSTICE.—Mr. Brougham, there is in the declaration introduction to the advertisement. The best thing you can do is to prove that advertisement.

MR. BROUGHAM.—Does not your Lordship think the libel proves

LORD CHIEF JUSTICE.—The letter of the 12th of June speaks of advertisement in the 'Calcutta Journal'; but I think you had better

MR. BROUGHAM.—It is in the officer's hand, my Lord. It is marked 'C.' It is admitted on both sides to be the advertisement in the libel.

LORD CHIEF JUSTICE.—Then you have nothing to do but to put the advertisement which appeared in the 'Calcutta Journal,' of the 10th of October 1818, was then put in.

MR. BROUGHAM.—I have no wish to have it read.

LORD CHIEF JUSTICE.—There is certainly no occasion to have it read. The title of the work will be sufficient.

The title, 'Travels in Palestine in the year 1816, by J. S. Burckhardt,' was then read.

MR. GURNEY.—I wish to have other parts of the advertisement read.

LORD CHIEF JUSTICE.—Either of you, Gentlemen, has a right to read the whole of it read, if you wish it.

MR. BROUGHAM.—In order to save time, my Lord, I consent that my friend, Mr. Gurney, shall take any part he pleases as if read.

LORD CHIEF JUSTICE.—If both sides are agreed to that, I am satisfied. (The advertisement was here handed up to his Lordship.) When the advertisement should be read, I did not think it extended to two columns. (*Laughter.*) (12).

The friendly letter of Mr. Binkes, written to Mr. Buckingham at dated "Acre, 8th February 1816," which was read by Mr. Brougham in the course of his speech, was put in and read.

#### *John Murray examined by Mr. Pattison.*

MR. MURRAY; you are a publisher in London?—Yes.

Did you ever see the manuscript now before you?—I cannot exactly say I recognise it as the same; but I saw one which I believe to be the same.

When did you first see it?—About five or six years ago.

Can't you fix the time more particularly?—No, I cannot.

Do you recollect to whom you had given it?—I believe it was given to my clerks to Dr. Babington.

How long was it in your possession before you gave it to Dr. Babington?—I cannot say the precise time.

Can't you say whether it was months or years?—Months, certainly. I cannot say how many.

#### *Cross-examined by Mr. Gurney.*

At the time you sent the work back, had you seen this letter? (The letter produced by Mr. Hobhouse.)—No, sir; I never knew of that in any way.

(12) This was not what would be generally understood by the term "Advertisement." It was a "Prospectus of the Travels in Palestine," and so called, being almost an exact copy of the preface to the work itself, giving an outline of the whole journey performed, and necessarily extending to some length.

Did Mr. Buckingham submit to you any original drawings for the work?—He sent me two or three portfolios of drawings and engravings.

How many drawings were there?—I do not know; there may have been five or six.

The rest were all engravings?—Yes; old engravings.

Were there any old French engravings among them?—There were.

Are those produced (handing some to the witness) some of them?—I should say these were some of them (13).

(13) There were *no* old French engravings among the whole. The engravings here spoken of were not only *new*, but *unpublished*,—nay, even *unfinished*: and as much unknown to the English public, as any original drawings whatever. Their history is sufficiently curious, to be given in detail. The French artist, Casas, had, in the course of several years' labour, amassed in his portfolio a magnificent collection of drawings, including almost every thing of beauty or importance in Syria or Palestine. On his return to France, these were so much admired, that it was determined to engrave them; and for this purpose, it is understood, the patronage of the Emperor Napoleon (which was always readily granted to works of art connected with the East), was extended to them. They must have been many years in progress, from their great number. But it happened, that at the period when the great political changes took place in France, the work was not finished; and the accustomed support being withdrawn from it, it was not likely ever to be completed. When Mr. Rich, the East India Company's resident at Bagdad, was in Paris, about the year 1814, he obtained a copy of such of the prints as were engraved, and brought them with him to Bagdad, where Mr. Buckingham first saw them, in the year 1816. These were so unfinished, that they had not even a line below each plate to indicate the place represented, nor was there a line of letter-press accompanying them; though they were intended to have been amply illustrated and described, if the work had been brought to a close. In this state, they alone were able to recognise the places who had actually seen them. Many of them were unknown even to Mr. Rich himself, and would have been so to any one else, not personally acquainted with the localities delineated. As Mr. Rich was one of those friends, who, on reading Mr. Buckingham's notes, had urged him to publish them, he suggested the great ornament it would be to any new work on Palestine, to introduce a few of the best of these views of Casas into it: and thought it would be, not only a gratification to the world, to whom these productions were, in their present state, either useless or unknown, but also of service to the reputation or memory of the artist himself, to whom they would do infinite honour. Mr. Rich even offered those prints for the purpose; and Mr. Buckingham took them from Bagdad to India with him accordingly. On his MSS. being placed in the hands of the late Bishop Middleton, of Calcutt, those engravings were shown to him, and he concurred entirely with Mr. Rich, in thinking that, with proper acknowledgment, the introduction of a few of them into the work would improve it, gratify the reader, and spread the fame of the artist thus introduced to their knowledge. It was accordingly determined that this should be done: a few were selected for this purpose; and as the figures of men and animals on them were very numerous, and would add greatly to the expense of the re-engraving, though *no necessary* part of the views themselves, it was thought advisable to omit by far the greater portion of these; to alter some that were inaccurate in costume; and by placing smaller groups, sufficient to give the scene some appearance of life, without, however, altering a stone, a shrub, or a pillar in the whole. This was done: certain memoranda to this effect were written in pencil on the foot of each plate, describing the alterations required; leaving it, after all, however, in a great measure, to the discretion of the English artist; and in this state the plates were sent to England, to be introduced into the work, with the following distinct acknowledgment of the source from which they were taken, and the motive for introducing them, inserted in the MS. preface of the work:

"The drawings contained in the '*Voyage Pittoresque de la Syrie*,' by Casas, amount to three large folio volumes. The publication of these being discontinued before the letter press intended to accompany the engravings was printed, they are now incomplete, and, as far as I can learn, are likely to remain so. There are some few among these which are so accurate, as well as beautiful, that I have been induced to adopt such of them as give views of places and monuments actually visited and described in the course of these Travels. As these are almost in the nature of original drawings, inasmuch as they never have been, nor are ever likely to be, placed in the hands of the Public, as engravings usually are, with the descriptions and expla-

By Mr. BROUGHAM.—Are those the identical engravings sent you by Mr. Buckingham, or merely copies of them?—They are the identical engravings.

Those engravings have then been given up by you to Mr. Banks?—Yes. It was by mistake that they were not sent back with the manuscript.

Was it by mistake also that they were given up to Mr. Banks?—No; that was by design.

But they are Mr. Buckingham's property?—Yes; they were, in mistake, not sent back to Mr. Buckingham.

But they were designedly given up to Mr. Banks?—Yes. (14)

Were there not thirty drawings?—I cannot say; I have not any recollection of the number.

You will not swear then, that there were twenty or thirty?—No, I cannot. (15.)

nation necessary to the understanding them. I am sure the lovers of the arts will be obliged to me for bringing into more general view pieces of so much beauty and merit: and those who desire graphic illustrations of their reading, will find in them the most faithful and spirited delineations of the scenes which they profess to represent."

This will be enough to satisfy any candid mind, that there was no attempt at deception in this matter. But to make it clear, also, that this is not a new explanation, now for the first time offered, which some persons might be malicious enough to insinuate, the following extract is subjoined, from the *Calcutta Journal*, of August 14, 1822; the original reply of the author, to the article on the '*Travels in Palestine*,' contained in the '*Quarterly Review*': which will be found also in the Appendix to '*Travels among the Arab Tribes*,' at p. 613:

"Mr. Banks's drawings, of which I always spoke with the admiration they deserved, were of so superior a kind, that if copies of them had been given to me, as they were promised, neither this nor any other of the rude sketches made by me on the spot, would have been afterwards finished into vignettes for publication: but not being able to obtain the promised drawings in question, the next best thing was to make use of the materials within my reach, and accordingly some very masterly and accurate views, of a French artist. CASAS, of various places on the *West* of the Jordan, as well as original drawings made from sketches taken with more care and leisure than they could be on the *East* of that stream, were sent home to be engraved for the larger plates; but the delay that took place in the publication, and the probable decline of interest in the subject by such delay, induced the booksellers, Messrs. Longman and Co., to omit all that Mr. Murray would have originally included, as tending to protract the publication in point of time, and add largely to its expense, and confining themselves to the vignettes only, engraving these on wood instead of copper, and considering them only in the light in which they were intended, as merely appropriate embellishments, after all the more finished subjects had been necessarily excluded, because of the time and cost it would have taken to get them properly engraved. The portion of the MS. preface which related to these larger drawings, has been omitted along with the subjects to which it referred; and the *latter part* of the paragraph only, relating to the vignettes, has been published. In the part omitted it was explicitly stated, that the vignettes were among the least perfect of the subjects sent; but even in that which remains, there is sufficient to show that nothing like an attempt at imposition was made; for, after stating that many even of the vignettes were from original drawings, made after sketches taken on the spot, it is added, 'as this was the least expensive and humblest way of adding graphic illustrations of the text, appropriate subjects had been selected from other sources, but invariably with a view to the elucidations of scenery, costume, or manners, and the accurate representations of places spoken of in the body of the work.' With respect to the plates, there is but *one* among the whole that is not original, which is the plan of the *ancient Jerusalem*, a thing that *must* have been borrowed, if given at all, unless it is supposed that a traveller could draw upon the spot, in the present day, a plan of a city as it existed a few thousand years ago. But this is so distinctly stated in the preface, as to leave the reviewer without excuse. It is mentioned in these words:—'The plan of the ancient Jerusalem, from the best authorities, is that which usually accompanies the works of Josephus, and it will illustrate, better than any written description, the changes which have taken place in the site of this city.' Of the vignettes, *the whole* of those on the *East* of the Jordan are *original*, and the few which were from other sources, including Mamdrell and Le Bryn, besides being acknowledged, were only used by the publisher as illustrations of the text in the manner that Dr. Clarke's and other travels had been illustrated, without its eliciting from this reviewer a single observation."

(14) Mr. Murray's conduct, in this unlawful retention of another's property, to be used as a weapon against him in the hands of his bitterest enemies, will be detailed and commented upon in a future place.

(15) The fact is, that there were exactly thirty—twenty-eight being actually printed as vignettes to the heads of chapters, and the other two withheld by Murray, at the time he returned the portfolio of French engravings.



Did you give up all the drawings to Dr. Babington?—Yes; every thing but one portfolio, which was kept back by mistake.

By Mr. GURNEY.—Are those two engravings now produced, some of those which were given up to Mr. Bankes?—Yes.

Mr. BRUGHAM.—My friend, Mr. Gurney, has asked you, whether you saw the letter from Mr. Bankes to Mr. Buckingham, before you gave up the engravings?—Never.

Had you not a letter from his father before you gave them up?—Yes. (15)

(15) It is proper that the public should see this letter of Mr. Bankes, sen., in order to judge of the accuracy of the assertion made before, that Mr. Bankes, jun., not content with spreading his calumnies against Mr. Buckingham, in Egypt and Syria, by his own efforts, and sending them to the farthest verge of Asia by the hands of Mr. Hobhouse, also sent them home to his father, who, thereupon, addressed the following letter to Mr. Murray:—

*Letter from Mr. H. Bankes, the elder, of Corfe Castle, to Mr. John Murray, Publisher.*

"SIR,—I have received a letter from my son, dated Thebes (in Egypt), 12th June, which is the occasion of my troubling you. He informed me that a person, named J. S. Buckingham, introduced himself to him some time ago at Jerusalem, under the pretence of being an intimate friend of Colonel Missett, and also of the late celebrated traveller, Mr. Buckhardt; that, in consequence of this supposed friendship with two so respectable men, and so well known to my son, he permitted Mr. Buckingham, whose destination was to India, to accompany him for some time, and to take a copy of that part of his journal which was kept during this portion of his travels.

"This ill-placed confidence has been requited in the way that such acts of kindness usually are by *ungrateful* and worthless people. Mr. Buckingham announces his intention of publishing his own travels, of which I have now before me an elaborate and pompous prospectus, in a Calcutta newspaper.

"I know not whether you have ever heard of this projected work; but as it is intended to be printed and published in London in a splendid manner, it is very probable that application may be made to you before it sees the light; in which case I wish to put you upon your guard against having any transactions with such an author as Mr. Buckingham, and also against laying before the public, parts of a very extensive and curious tour, in an imperfect state, which I hope and trust that my son will be induced to submit to them in the best and most complete form that he can put his valuable researches together whenever he returns.

"You will oblige me by making known what I communicate, with regard to the character of Mr. Buckingham and his intended work, in any way that you may deem proper, and I remain, Your obedient servant,

H. BANKES."

"Kingston-Hall, Wimborne, 31 October, 1819."

For this letter an action was brought against the writer, who at first, defended his conduct, but when the day of trial came, he shrunk from even calling his own son to support, by his oath (which was all that was required to prove his case and ensure his victory), what he had written with his own hand. He accordingly made overtures of submission; and, as Mr. Buckingham considered him to have been imposed on by his son, who was the chief offender, he consented to let the father off, without the odium of a public trial, on condition of his abandoning all justification, submitting to a verdict against himself, and paying *all* the costs actually occurred by the plaintiff in bringing him to justice, all which was readily acceded to, and Mr. Buckingham was satisfied. A short anecdote deserves to be mentioned in this place, as characteristic of the distinguished individual here spoken of,—the worthy father of the worthy son, whom Mr. Gurney characterised as the "descendant of an ancient house," and "heir to a splendid fortune." It is this:—In the course of the present proceeding it was thought advisable to subpoena the elder Mr. Bankes, in order, if necessary, to show, through him, that his son had made a more extended publication of his libellous letter, than even by giving it open to Mr. Hobhouse. The subpoena was served on Mr. Bankes the elder, at his seat, at or near Wimborne, in Dorsetshire, and a tender of £10 made to him to defray his expenses to town. Being, however, an accurate accountant in these matters, (to which, perhaps, is to be partly attributed his son's similar clue in pecuniary matters) he made a stand for £20, which he demanded as the sum requisite to take him to London (travelling, no doubt, in his own carriage). It has been said, that the contest between the receiver and the payer was at last settled by a compromise for £15; the attorney's messenger being unwilling to let any difference about the sum defeat his object in securing the attendance of the person summoned. As it happened, however, the attendance of the elder Mr. Bankes was dispensed with; and, accordingly, the £10, or £15, or £20 (at whichever sum the estimate of the journey was settled), was thus happily saved to the party paying the costs of the action.

One word more, to show how small a compensation even £20 would be to Mr. Bankes, the

Did you give up the publication of this work, in consequence of the letter that you received from Mr. Banks, senior?—No; but I received a letter from Mr. Gifford; and it was such that I could not venture to publish, without affording Mr. Buckingham's friends the opportunities of altering, the work. (16)

elder, to attend with evidence in favour of Mr. Buckingham, whose name he had so little pleasure in even hearing, of which the following authentic story may be received in proof: An unfortunate Spanish gentleman now in London, among the refugees from that unhappy country, having met Mr. William Banks's Portuguese valet, became, from understanding his language, sufficiently acquainted with him to ask the favour (as he seemed well-fed, well-dressed, and quite at his ease) to put him, if possible, in the way of getting pupils, or doing any thing honourable to add to his little stipend from the refugee fund. The valet, Antonio (and it may be mentioned to his honour) feeling compassion for a gentleman in distress, sought an opportunity to introduce him to the elder Mr. Banks, at his house in Palace Yard. The old gentleman's curiosity expressed itself in various questions, the answers to which disclosed that the Spanish gentleman had been a portion of his life in India. "Ah!" exclaimed the member for Corie Castle, "and did you know or hear anything of a certain Mr. Buckingham there?" "Yes," replied the unsuspecting and unguarded foreigner, "I was in Calcutta just after he had been banished from that city by the government there, for speaking the truth too freely in his journal; and I remember to have heard from some persons who were witnesses of the fact, that when his house was broken up, and all its contents exposed to public sale, such was the attachment which some individuals had to his person and principles, that little articles were purchased, at four or five times their value, to be preserved as relics or memorials of one whom they esteemed, and considered to have been most unjustly persecuted."

The patrician could contain himself no longer. The unhappy foreigner, unconscious that what he was saying was gall and wormwood of the bitterest kind—unconscious that he was speaking daggers to his expected patron's ear—was coolly shown to the door, as a reward for the indiscreet fidelity of his narrative, and was lost in indignation and astonishment at what he could not but deeply feel, though it was altogether beyond his power to understand. He has since, however, learned—through the kind-hearted individual who meant, by introducing him to his patron, to do him a service—that the praises of Mr. Buckingham, even when merely narrated as being bestowed by others, was sufficient to seal his doom.

(16) The letter of Mr. Gifford is also sufficiently remarkable to be given here. It should be observed, that the manuscript of the 'Travels in Palestine' contained several exposures of the ignorance of Mr. Gifford, or whoever else was the editor of the Quarterly Review, on geographical subjects, and especially of gross blunders made by that work in its criticisms on D'Anville, the great French geographer, and the late Dr. Clarke, the eminent traveller. Whether it was these exposures that excited his wrath, and made him wish to blot out 50 or 60 pages of the work, cannot now be known; but either this, or a phrenzy of intoxication, seems to be the only explicable motives for such a production as the following:—

*Letter from Mr. Gifford, Editor of the Quarterly Review, to Mr. John Murray, the Publisher.*

*"James's Street, June 7, 1810.*

"MY DEAR SIR,—I return you the MS., which I have read. It is certainly interesting and important in some degree; but will, I suspect, appear tedious in more places than one.

"The writer is the most unamiable person that I ever travelled with, and I have travelled with a good many. I have not marked one generous sentiment, one trait of liberal and correct feeling. He is a daring, but an ignorant infidel, and proudly imagines, while he is only combating the idle trash of a few poor bigoted and illiterate monks, which no protestant thinks worth notice, that he is demolishing Christianity. Of our blessed Saviour and his Apostles he speaks, not only with the sanctity of an Apostle, but with the revengeful malice of one who had received a personal injury from them. He has the venom of Voltaire, without an atom of his wit; and the fury of Condorcet, without a spark of his vivacity; he is, besides, obscene and even filthy. I am sorry to speak so severely of any man; but in saying that the Bishop of Calcutta approved his MS., I firmly believe that he has advanced an atrocious calumny. I know Dr. Middleton too well to think for a moment that he would lend the sanction of his name to the exploded ravings of blasphemy, vented in the language of the brothel. I would say this to the author's face; and at any rate it is better to say it now, than after such a work has met the eye of the world.

"With all this, I rather wish that you would publish it. It cannot be enlightened, but it may be rendered far less objectionable, and this with no great trouble. Omission is all that is required: the MS. seems already to have fallen into the hands of some timid, but judicious friend. Let him only exert his punning knife with a bolder hand. There is, at present, too

Can you say that it was not in consequence of any letter from Mr. Banks's father, that you gave up the publication?

much quotation, and that from books in every one's hands, Josephus, the Bible, &c. It is surely better to reduce the volume forty or fifty pages than to have it unreadable.

"Another word. I do not see why the printers are to be corrupted; they have souls to be saved, I suppose, as well as the rest of the world. I should, therefore, make it a point (if the MS. is not to be re-copied), that the profaneness and obscenity should not only be crossed, but fairly erased and blotted out, before it is put into their hands.

"Ever, dear Sir, yours, &c.

W. GIFFORD."

"To John Murray, Esq."

Now, no such erasures or omissions as are here declared to be indispensable were made. Such as the book was in Mr. Gifford's hands, such was it in the Bishop of Calcutta's,—such was it in Messrs. Longman's, and such is it before the world. It will be an agreeable contrast to Mr. Gifford's opinion, to see what is said of the *same* book, before it was actually published, also by a Christian divine, the Reverend Samuel Burder, a man who, from the very nature of the work to which he had devoted the best part of his life, 'Illustrations of Scripture, from Oriental Travellers,' is likely to have read more books of travels in the east than almost any man of his day. This clergyman borrowed a copy of the work while it was in progress through the press from Mr. Rees, of the firm of Longman and Co. the publishers, and this was the note with which he accompanied its return, dated Oct. 30, 1821:—

"Mr. Burder returns 'Buckingham's Travels in Palestine,' with many thanks to Mr. R. for the perusal of it. He has made many extracts from it for the new edition of the 'Oriental Customs,' and his new work in continuation of it. He considers Buckingham's Travels the very best book he ever perused of the kind, and thinks it will stand high in the first rank of that kind of literature."

To show, too, that this opinion of Mr. Burder (thus *privately* expressed, and therefore by no means binding on him, out of regard to what is called consistency to support at any subsequent period) was not in the least altered, even by the malignant imputations of Messrs. Gifford and Banks, in the *Quarterly Review*, after the work appeared, the following note from Mr. Burder, written four years after the first, and when he was about to be called as a witness on the trial of the action against Murray for the libels contained in Mr. Banks's criticism, is given. It is thus:—

"To J. S. BUCKINGHAM, Esq."

"London, Paternoster Row, March 4, 1825.

"SIR,—If it will answer any important object in the statement of your case, as far as my evidence is required, I wish an opportunity to be allowed me, by the question that may be put, of proving, which I am sure I can most satisfactorily, that the account you have given of the lake of Tiberias, and the calm which there succeeds a storm, and which the reviewer charges as *tinctured with infidelity*, is a very happy illustration of the passage, and a corroboration of the Gospel history.

"As to the charge of indecency, I am ready to assert that your volume is, as to its language and representation, the MOST CHASTE AND CORRECT of any volume of travels I EVER PERUSED.

"You are quite free to make any use you please of my testimony, as I should be happy to serve your cause, which I consider to be that of truth and justice.

"I remain very respectfully yours,

"SAMUEL BURDER."

To make the refutation of Mr. Gifford's letter complete, all that is wanting is to show that it was *not* a calumny for Mr. Buckingham to say that his MS. was in the Bishop of Calcutta's hands, and that he himself permitted his name to be used in the prospectus, as approving generally of the publication of the work. This letter (already published in India, and there undisputed,) with the few remarks that then accompanied its appearance in the 'Calcutta Journal' of August 19, 1822, is as follows:—

TO JAMES BUCKINGHAM, Esq.

"SIR,—I received your letter yesterday evening, at a time when I could not conveniently reply to it. I thank you for the offer contained in it to lay before me certain statements relative to one of the cases, which, as you inform me, have delayed the publication of your Travels. I must, however, decline the proposal, not wishing my name to be more closely connected with the work in question than it is already. I have, indeed, some reason to apprehend, that more is *believed* upon this subject than is actually true. After having done me the favour to send me copies of some Greek inscriptions collected by you, in which, as being remains of Christian and classical antiquity, I took some interest, you sent me your MS. travels, with an intimation that my revision of the work would be acceptable to you. I informed you, however, on receiving the MS., that I could not think of taking upon myself any

**LORD CHIEF JUSTICE.**—The defendant cannot be answerable for what his father may have done. I cannot hear any evidence about that. (17.)

*Dr. Benjamin Babington examined by Mr. Brougham.*

You are a physician?—Yes.

Have you travelled in the East?—Yes.

Did you accompany Mr. Buckingham?—Yes.

How long have you known him?—From the spring of 1815.

Have you and Mr. Buckingham travelled together?—Yes.

Was it before 1816 that you travelled?—Yes.

Have you seen Mr. Buckingham copy ancient inscriptions?—I have.

Many?—No, but few.

Have you seen *fac similes* of those inscriptions in Mr. Buckingham's possession?—Yes, at the time he copied them.

such responsibility; and I requested that no use whatever might be made of my name beyond what was already said in your prospectus, of my thinking favourably of the nature of your undertaking; to this I did not object, as implying nothing more than the respect which is excited by zeal and enterprise in exploring tracks highly interesting, and some of them hitherto but little known. Still, I told you that I would look at a few places of your MS., and if any thing occurred to me, I would readily suggest it. All that I remember to have actually read was a chapter near the beginning, describing your voyage from Egypt to some part in the Holy Land, and a chapter upon the ruins of Jerash; and, on those portions of the book, I objected to the use of (I believe) two expressions, 'supernatural' and 'miraculous,' which were incorrectly, and might seem to be profanely applied; not that I could suppose any evil intention, as I had heard you speak with reverence of the Scriptures, and remark, I think, the very first time I saw you, how entirely your own observations bore witness to the accuracy of their local details. I felt it, notwithstanding, to be my duty to advise you to look over your MS. with especial reference to any similar blemishes, which might produce a mischievous effect, though none were intended; and such passages, if any still remain, may very well have been classed among the obnoxious matter, to which your letter alludes, as one of the alleged reasons for suspending the publication. I recollect, also, that I marked a sentence in a passage quoted by you from the Latin translation of some Greek author (I think Josephus), as not giving the true sense of the original. Whether I might not put a pencil mark against one or two other passages, which presented themselves casually, and seemed to be capable of improvement, I cannot, after this interval of time, precisely affirm; but I am confident that my connected perusal was confined to the two chapters already mentioned; and even those I did not examine with the severity which I should have thought indispensable, if I had considered myself as being in any way pledged to the revision. What I read, I read lying on my couch, to which I was confined during nearly the whole of the time that your papers were with me; and I believe that you called upon me only a day or two before I returned them, and found me in that situation. I by no means, however, wish you to infer that I consider the statement in your letter as being substantially at variance with this account, or that I attribute any erroneous notions on this subject, which may have gone abroad, to the representations made by yourself; a knowledge of the circumstance that your MS. was even in my hands, may easily have created a belief that it was received for a purpose, which, on my receiving it, I expressly and unequivocally disclaimed.

I am, sir, your obedient servant,

"T. F. CALCUTA."

Chowringhee, June 28, 1820.

"Let any impartial person read this letter, written evidently under the influence of a timidity and alarm, natural and even honourable to a man holding so distinguished a situation as head of the church in India, and let him say whether it breathes even an *insinuation* of reproach? It was rather too much to expect that an author, who went to sea at nine years of age, who never had any education since that early period, but such as he could steal for himself, whose life has been necessarily passed more with persons of loose and profligate habits, such as *every* ship exhibits, than among those who are more choice in their expressions than sailors will ever be; it was too much to expect that a book written by *such* a person should come out of a bishop's hands untouched. But after all, to what did the commendations amount? To a correction of a few expressions that admitted of improvement, and to an inaccurate use of the terms 'miraculous' and 'supernatural,' the distinction between which might have been clearly understood by a learned and eminent divine, but which are even to this hour far from clear to the individual who had then used them, it seems, in a wrong sense, but who, having no intention to apply them wrongly, altered them without a moment's hesitation, as the bishop had suggested."

(17) This was, no doubt, strictly and legally correct:—but the reading portion of the public already know the transaction between Mr. Murray and Mr. Banks, the elder; and, therefore, its omission here is of little importance.

Have you seen Mr. Buckingham make drawings?—No. (18.)

Do you remember being at Madras?—Yes.

At what time?—At the end of 1818.

Did you there see in Mr. Buckingham's possession any manuscript note-books of his travels?—I did.

Do you recollect seeing this book (handing a book to the witness) in 1818?—I saw such a book as this.

Did you read it?—I cannot say whether I actually did. I believe I read a book of this sort; but I cannot precisely recollect. There was a small book like this in which an account of Jerash was contained.

Did you see the original notes of the account of Jerash?—Yes, and Mr. Buckingham read over part of them to me.

Look at this book (handing a book), which is dated March 1816, and say whether it is the account of Jerash of which you speak.

The LORD CHIEF JUSTICE.—This will not show when the manuscript was made. These may be the very notes of which Mr. Banks complains. (19)

*Examination continued.*

Did you at any time go to Mr. Murray, the bookseller?—Yes, I went to Mr. Murray to look after Mr. Buckingham's manuscript, in consequence of a letter which I received from Mr. Buckingham, requesting me so to do.

Did you get the manuscript?—I did.

Look at that (handing in the same manuscript which Mr. Murray before expressed his belief to be the manuscript sent to him).—This is the manuscript.

When did you get it?—About the end of January or beginning of February 1820.

Was the 'Travels in Palestine' printed from that manuscript?—I do not know.

What did you do with it when you got it?—I took it to Messrs. Longman and Co.

Have you compared the manuscript with the printed book of Mr. Buckingham's Travels?—No, I have not. (20.)

Did Mr. Buckingham introduce you to any friends in Egypt?—Yes, to Mr. Burekhardt and to Colonel Missett.

(18) During the time that Mr. Babington travelled with Mr. Buckingham, the few drawings that were taken were done entirely by the former, as being the more competent to that task of the two: while the latter was wholly employed in collecting materials for the formation of a more accurate chart of the Red Sea; in taking bearings, soundings, sketches of head lands, tracings of the line of coast, &c.; which materials still exist in abundance.

(19) This is only one of the difficulties with which the rules of evidence abound. The only evidence which it was possible for Mr. Buckingham to produce, of having paid a subsequent visit to Jerash, was to produce notes in manuscript, containing new facts, not to be found in any record of the observations made on the first visit, whether by Mr. Banks or himself. The only persons who accompanied him, were two Bedonins of the desert, whom it would be impossible to find, or bring into court, (for these were not, like Mr. Banks's interpreter and valet, always within call). If the notes had been received as those seen by Mr. Babington at Madras (which he states his belief that they were), nothing would have been more easy than to have compared them with other notes, to be produced by Mr. Banks; and if the one were copied from the other, it might have been clearly proved, and their authenticity thus rendered liable at least to suspicion. But no such course was attempted to be pursued.

(20) Dr. Babington having read the work over twice in the manuscript, before it was sent to Longman and Co. to be printed, had no motive for reading the printed work afterwards; and, as he had no idea that any questions would be raised on a point so easy for any man to determine, by a very slight examination, it is hardly to be wondered at that it should not have been done by him. When it left his hands for the printers, he saw no more of it till it was produced in court; the proof sheets being corrected by an ordinary printer's reader, without the supervision of any more careful eye (a fact, by the way, sufficient of itself to account for much greater errors than have yet been pointed out in its contents.)

Did Mr. Buckingham appear to be on intimate terms with those two gentlemen?—Yes.

When did the introductions take place?—One in November 1815, and the other in December of the same year.

Did you receive any civilities from those gentlemen in consequence of the introduction?—I did.

From all your knowledge of Mr. Buckingham, and from your intercourse with him, what opinion do you entertain of his character?

The LORD CHIEF JUSTICE.—General conduct cannot, I think, be made the subject of inquiry.

Mr. BROUGHAM.—I submit that in this particular case it may, my Lord; for one of the defendant's pleas is, that "Mr. Buckingham's conduct in Egypt and Syria was notorious," &c.

The LORD CHIEF JUSTICE.—That would be at the time of the publication of Mr. Bankes's letter; but your question refers to 1815.

Mr. BROUGHAM.—The defendant's plea alleges the notoriety of the plaintiff's conduct, both *before* and at the time of the publication of the letter.

The LORD CHIEF JUSTICE.—I think, Mr. Brougham, it is for the defendant to prove his affirmative.—To which Mr. Brougham assented. (21)

*Examination continued.*

What drawings did Mr. Murray give up at the same time with the manuscripts?—Perhaps, twenty or thirty. Nearly enough to make vignettes for each chapter.

You say you have seen Mr. Buckingham copy inscriptions?—Yes.

Have you not seen him make sketches of the coast and head-lands in the Red Sea?—I cannot say positively, but my impression is that I have. (22)

*Cross-examined by Mr. Gurney.*

Can you state that the drawings which were delivered with the manuscript were made by Mr. Buckingham?—No; I have no positive knowledge of that.

Were not those drawings made from engravings?—I do not think they were, unless in the case of one or two maps. (23.)

[21] As the rules of evidence (no doubt correctly and legally observed by the Chief Justice) prevented the question put by Mr. Brougham from being answered by Dr. Babington, it will be satisfactory to the reader to see the following note, which was sent, on the day it bears date, soon after the trial, to the plaintiff; and which, in pursuance of the permission given in it, is here introduced. The note is as follows.

"To J. S. BUCKINGHAM, Esq.

"*Stamford Hill, Oct 25, 1826.*

"MY DEAR BUCKINGHAM,—It has occurred to me, that as you are about to publish the report of your trial, my testimony may be useful on the question as to your general character, which was put to me by Mr. Brougham, but overruled from the Bench, and consequently not answered.

"On this important point, I can conscientiously say, that although I disagree with you in politics, and especially on the question of a Free Press in India, yet I have always believed you sincere in the opinions which you entertain; and, during the course of eleven years' acquaintance and friendship, I have ever found your conduct to be consistent with your professions, and both to bespeak you a man of strict honour and gentlemanly feeling.

"Believe me, my dear Buckingham, to remain yours, ever most sincerely,

"B. BABINGTON."

(22) A large book, full of such sketches, taken by Mr. Buckingham, was ready to be produced in court; but the objection just before raised by the Lord Chief Justice to the receiving his notes, *as seen* and recognized by Dr. Babington, in evidence, because they *might* have been copied as well as original, and of which the exact identity could not be sworn to by some person who actually *saw them taken* by the plaintiff himself, prevented the book being handed in.

(23) These maps were D'Anville's *ancient Geography of Palestine*, and the *ancient plan of Jerusalem*, from Josephus, which could only have been given from these authorities, as no man could now draw an *original* map or plan of either the one or the other without necessarily following these authorities.

*Mr. Rees examined by Mr. Hill.*

What are you, Sir?—I am a partner in the house of Longman and Co.  
Did you receive that manuscript—(handing in the manuscript exhibited before)—from Dr. Babington?—We received from that gentleman some manuscript, and I believe this to be the same.

What did you do with it?—We put it into the hands of Mr. Spottiswoode to print.

Was it afterwards published?—Yes.

In quarto?—Yes.

And a second edition in octavo?—Yes.

Were there any engravings in the work?—There were.

The Clerk, at Mr. Brougham's desire, here read the following passages from Mr. Buckingham's printed book of Travels; in order, as the counsel expressed himself, to show that there was no intention whatever, on the part of Mr. Buckingham, to withhold from Mr. Banks either the mention of his name, or his full share of praise; but that, on the contrary, he had repeatedly, in various places throughout his printed Work, spoken of his talents, and mentioned him as his companion in all the descriptions of the 'places they had visited together.' The following passages, from the 'Travels in Palestine,' were accordingly read:

"Many of the vignettes are from original drawings, made after sketches taken on the spot; and as this is the least expensive and humblest way of adding graphic illustrations of the text, appropriate subjects have been selected from other sources, but invariably with a view to the elucidations of scenery, costume, or manners, and the accurate representations of places spoken of in the body of the work."

"The ancient map of Palestine is taken, with very trifling alterations, from D'Anville, as the most generally known and approved authority on this subject, and the one most frequently referred to."

"The plan of the ancient Jerusalem, from the best authorities, is that which usually accompanies the works of Josephus; and will illustrate, better than any written description, the changes which have taken place in the site of this city."

"The plan of the ruins of Gerasa, in the country of the Decapolis, beyond the Jordan, is laid down also from actual observations, corrected by two subsequent visits to the spot; as well as the plans of particular edifices, and the interesting remains of this ancient city. And the Greek inscriptions found on the friezes, columns, and altars there, have been copied with the utmost care, and given as nearly as possible in their original form."

"I wish I could have added to these the valuable drawings of my friend and fellow-traveller, Mr. Wm. Banks, M. P. These I had no time to copy, though I am sure his liberality would have admitted of it; for while he was engaged in taking them, I was occupied in increasing our common store in another way. It is to be hoped, however, that with the illustration which this gentleman's known talents, pure taste, and extensive erudition, will be able to give to his fine collection of views in this country, and in Nubia, they will not remain long from the public."

"While the guides and our servants were taking some refreshment, Mr. Banks and I ascended to a convenient spot where we could both conceal ourselves from the sight of passengers below; and while Mr. Banks was employed in taking a hasty sketch of the whole view as it appeared from hence, I caught the opportunity of throwing together the recollections of our route from Jerusalem thus far, as not a moment had yet offered itself from the time of our leaving that city, in which it would have been safe to have written, or to have excited curiosity by the appearance of such unusual things as pen and paper."

"Having done this, Mr. Banks made a second excursion with the guides, and I remained to keep the impatience of the rest in play, to answer questions from passengers, and to prolong our stay to the last possible moment."

"The day broke in heavy rains, and our Bedouin guides refused to proceed, as the horses were already wearied, and shelter could not always be commanded on the road. The desire of Mr. Banks and myself to revisit the ruins of Jerash was equally strong; and since all our endeavours were not sufficient to prevail on our guides to brave the weather, we determined on stealing to the ruins in the interval, at all risks which it might involve."

"As it was impossible, however, to absent ourselves from so inquiring a company without being noticed, some motive was necessary to be assigned, and it luckily happened that one

really presented itself of sufficient force to be admitted. On the preceding day, while waiting the notes of our route from Jerusalem to Jerash, beneath a rock, I had left a knife behind me, and it was professedly under the hope of finding this that we set out on foot to go a journey of two full hours over a steep and rugged road, and amid a heavy rain, which threatened long continuance."

"Mr. Bankes now prepared to draw from hence a view of the interior of the theatre, including chiefly its front and scene, being completely sheltered from the rain, as well as from sight, by the arched covering of the passage under which he stood, and in the meantime I employed myself in measuring the principal features of this building, in laying down, by compass, from an overlooking eminence, the relative positions of the principal edifices, and in forming as accurate a ground-plan of the whole as the unfavourable circumstances of the moment would admit."

"A range of columns extends along the interior of the front, or facing toward the audience; and, with reference to them, behind the stage, or between the stage and the scene. The intercolumniation of these is irregular, from their being made to leave the interval, opposite the front doors, clear. They are, therefore, disposed in four divisions, of four pillars each. These cover the space of wall in which the niches are; the niches being seen through the intercolumniation of the two central pillars of each. Behind each of these rows of four pillars, are four pilasters, corresponding in order, size, and position, and placed like the columns, two beside each niche. In addition to this, there is, on both sides of each of the three front doors, a smaller Corinthian column, standing in a sort of recess."

"It occurred to Mr. Bankes, that, notwithstanding the ruin of some parts of this edifice, it was, perhaps, on the whole, the most perfect Roman theatre now remaining in the world. He had himself seen all those of Italy; and in Greece we know how much they are destroyed: and he remembered none so perfect as this, more particularly as to these more interesting parts, its stage and scene. The complete examination of this would, therefore, have thrown much light on the nature of such structures among the Romans, and would have helped us to understand more, perhaps, of their stage management, of scenery, entrance, exit, &c. than we now know. We even thought it probable, that some of the statues which once filled the niches above, might be found in a tolerably perfect state, on clearing away this rubbish; as it we sought out causes to increase our regret, at not being able to put our desires into execution. We drew back often to look upon the whole, admiring the rich decorations of the Corinthian order, displayed in all its pomp on this small, but highly finished work."

"The ranges of seats, continued all around the semicircle, without being interrupted by any species of division throughout their whole length, gave a simple grandeur to the effect produced by these unbroken sweeps of the circle, rising in continued succession one above another. The blocks of the benches were much longer than the breadth necessary for one person, so that the space for one individual seat was in no way defined. *Mr. Bankes thought* that he had seen Greek letters engraved on them, and conjectured that they might have served as numbers; but after a very careful examination *this did not appear to me to be the case*, and it is most probable that they might have been some of the arbitrary signs of the workmen for their guidance in the succession of the blocks, as such signs are very commonly seen in ancient Roman masonry."

*Dr. Babington recalled and examined by the Lord Chief Justice.*

Have you seen Mr. Buckingham copy inscriptions in India?—I have.

In what language?—The language was then unknown to me, but I learnt afterwards that it was Sanscrit.

Mr. BROUGHAM.—My Lord, I have evidence to prove the dissimilarity of the plan of Jerash sketched by Mr. Bankes, and that published by the plaintiff. I wish to know whether my Learned Friends, on the other side, desire that evidence to be given now, or in reply.

Mr. GURNEY.—It had better be given now.

Mr. BROUGHAM.—I call on the other side then to produce the original plan of Jerash.

Mr. Gurney gave it in.

*Mr. Arrowsmith examined by Mr. Brougham.*

Are you a chart and map maker?—I am a geographer.

Do the original plan of Jerash now before you, and that inserted in the printed book of Mr. Buckingham, differ?—They do.

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In what respect?—They differ very materially in some of the bearings.

Can you mention any point in which they differ?—In one instance there is a difference of seven points of the compass.

Is that an important variation?—Yes.

In how many places out of ten do the bearings of the two plans differ?—In seven or eight out of ten.

Have you examined the figures of the places laid down in the plans?—I have.

Do they differ?—They do.

Do you observe a figure which in the original plan is a perfect square, and in the printed one is only two sides of a square?—Yes; it is No. 18, the bath.

In the printed plan there are two rows of pillars outside the bath; are there any pillars in the original plan?—No.

Look at No. 15 in the printed plan; is that like the same figure in the original drawing?—It is very dissimilar.

In what respect?—In size and shape altogether.

Does the figure No. 10 differ in the two plans?—It does.

Are there other differences besides those you have mentioned?—Yes, a great many.

Have you compared the printed plan with the drawings in Mr. Buckingham's note book?—I have.

Do they agree?—They do.

That, my Lord, is the book which Dr. Babington spoke of as having seen at Madras in 1818.

Thus, my Lord, is the plaintiff's case.

#### SPEECH OF MR. GURNEY FOR THE DEFENCE.

MR. GURNEY.—May it please your Lordship and Gentlemen of the Jury,—My Learned Friend, Mr. Brougham, commenced his speech by assuring you that he would not preface the plaintiff's case with a single observation; I confess, Gentlemen, I was somewhat surprised at such abstinence on his part; but I was not less surprised at the manner in which he has kept his word. In the speech of an hour and three quarters which he has addressed to you (I don't mean to say that his speech was either long or tedious) my Learned Friend has most religiously— you will agree with me—he has most religiously kept his word; and he has not uttered a single observation but merely stated the facts of his case. (*Laughter.*) But if, Gentlemen, the specimen which my Learned Friend has this day given, be a specimen of his forbearance and abstinence, I should be glad to know in what exuberance of observation, in what bitterness of sarcasm, my Learned Friend could indulge when not under the control of abstinence and forbearance. My Learned Friend has admitted that my client is a gentleman of known talent—a gentleman of well known taste, and of extensive erudition—the heir to an ancient house (24) and a splendid fortune (25)—a gentleman who, instead of wasting his early years in dissipation, has devoted them to the advancement of science and literature (26); and who, with a view to the illustration of ancient history, both sacred and profane, has made journeys into countries in which no man can travel without

(21) Therefore, the more incumbent on him to support the reputation of his family by scrupulously honourable conduct.

(25) Therefore the more incumbent on him to use that fortune liberally, and to be superior to avarice or meanness.

(26) But who, after a delay of more than ten years, with every advantage that wealth, leisure, and influence could afford him, has produced nothing, except, indeed, the article in the 'Quarterly Review,' in which he slandered his fellow-traveller in terms of such bitter malignity, and sounded his own praise in strains of such exaggerated self-adulation, as are scarcely to be paralleled in the whole range of English literature.

considerable danger (27); into countries which, though once highly civilized, have long been in a state of barbarism. In this manner did Mr. Bankes spend many years of his life, some before and others after he became acquainted with the plaintiff.

In the end of the year 1819, or the beginning of 1820, Mr. Bankes arrived at Trieste; and there *I cannot deny* that he gave to Mr. Hobhouse the letter which my Learned Friend, Mr. Brougham has called a libel (28). At the time the acquaintance commenced between Mr. Bankes and the plaintiff, Mr. Bankes was at Jerusalem preparing for a journey into those countries of which Mr. Buckingham has given an account in his work. The account which my Learned Friend, Mr. Brougham, has been pleased to give of his client is, that he is a sea-faring man; one well acquainted with the navigation of the Red Sea; that a treaty of commerce having been entered into with the Pasha of Egypt, and so forth. Now, Gentleman, what does that account amount to in plain language? To nothing more than this, that some merchants in Egypt, having occasion to make some importations of goods from India, wanted a messenger to go to Bombay, and they employed Mr. Buckingham for that purpose; but he, instead of pursuing the journey for which he had been paid, left the despatches to shift for themselves (29); and that such was the opinion

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(27) Although it is urged against Mr. Buckingham as a crime, that he did not travel with the same speed in this *dangerous* country that he might have done over the safe post-roads of Europe.

(28) Now that this was proved by a living witness, it was in vain to deny it any longer; although, up to the moment of Mr. Hobhouse's appearance in court, every attempt to get this admission failed; and this continued refusal, and implied denial, was the sole cause of two years' delay, and nearly £700 additional expense to the *plaintiff* (which is not to be repaid) for measures necessary to force this proof of publication.

(29) That this is false, and known to Mr. Gurney himself to be so, let the following letter prove. It was printed four years ago in the 'Calcutta Journal' of December 22, 1822, and since in the Appendix to 'Travels among the Arab Tribes,' at page 616, and has been in Mr. Gurney's hands for these two years past, at least. The introductory observations, and the letter to which they apply, are as follow:—

"The manner in which I discharged this trust, was such as I can prove to have been most faithful, honourable, and even at more hazards than I was bound to do. On my landing at Soor, in January, about ten days after leaving Alexandria, the country was found to be in such a state of commotion, from political feuds between the Pashas, that there was no moving without their firmans and protection; and all the conversation which I had with the persons of that place leading to a belief, that the difficulties of getting through the country would increase rather than diminish with time, I was determined that Messrs. Briggs and Co's interest should not suffer, as far as I could prevent it, and, accordingly, as soon as it was decided that I could not convey their despatches as speedily as they might be sent through the foot messengers of the country, who can travel in safety where a stranger would risk being plundered, and perhaps murdered, I obtained, through a merchant of Soor, a faithful person to convey these letters direct to Aleppo, with instructions to Mr. Barker, the consul there, to forward them through Bagdad by an Arab on a dromedary, without delay; adding, that as the chief object of my journey was to follow up these letters by personal explanations, on which account Briggs and Co. had given me a letter of credit for the mere expenses of the road, I should come after them as speedily as could be effected without risk, which I was bound both on my own account as well as on account of the ultimate end in view, not heedlessly to encounter. To show that this trust of Briggs and Co. was thus faithfully discharged, by my thinking of their interests before my own, and that I also hoped to get to Aleppo soon after, I insert here the following copy of a letter, with date, signature, &c. complete, which will show that not a day was lost in the great object of discharging the trust imposed, as far as circumstances allowed which I had no control would possibly permit. The original of the letter is in my possession, and may be seen by any one desiring to inspect it: the copy is as follows:—

To James S. Buckingham, Esq.

"Aleppo, Jan. 25, 1816.

"DEAR SIR,—I had yesterday the pleasure to receive your favour of the 8th <sup>inst.</sup>, and there being no conveyance for your letter for Messrs. Forbes and Co., I have sent it by an express messenger to the resident at Bagdad, with a request that he will forward it by first opportunity to Bombay.

"The charge of that expedition will be P<sup>as</sup>. 160, say piastres of the G. S. As you said you would incur the expense of 40 to 50 *dollars* for an express, I presume you meant *tallari*, or

of Mr. Buckingham's employers is clear, from the fact of his having afterwards been obliged to return a part of the money which he had received for undertaking the journey (30). That, Gentlemen, is the true history of Mr. Bucking-

hard dollars; in which case I have not exceeded your limits for that object: but, if by dollars you mean piastres of the G. S., I shall be sorry not to have fulfilled your intentions.

"As you do not inform me when I may expect the pleasure of seeing you, I shall take the liberty not to put off a shooting party that I have projected, as soon as the weather will permit. But if you should arrive during my absence, which will be of a fortnight, my family will have the honour of performing the rites of hospitality until my return.

"My shooting station is in the *Amk*, at a noted place called *El Sarai Morscloglu*, on the direct road between Antioch and Aleppo, about ten hours distant from the former, and eleven from the latter. If you should be fond of shooting, and will do me the honour to join my party, I promise to show you excellent sport.

"Mr. Vigoroux is not yet arrived here. I need not say that due honour will be shown to Mr. Lee's letter of credit in your favour.

"I have desired my agent at Latakia, to whom I send this letter, to furnish you with money, if you should be in want of any.

"I have the honour to be truly, dear Sir, your most obedient servant,

"J. BARKER."

(30) The history of this *refunding* deserves to be told at length: as the mere fact would otherwise seem to imply a confession of having misappropriated the sum expended. The following is the account of it, sent originally to England in a letter to Dr. Babington, dated Calcutta, December 31, 1820, and afterwards published in the '*Calcutta Journal*' of December 22, 1822; and since repeated in the Appendix to '*Travels among the Arab Tribes*,' at page 630, this having been also in Mr. Garney's hands for at least two years:—

"I have since heard, through Mr. Rich at Bagdad, that, some weeks after I had left Aleppo, Mr. Barker received a letter from Alexandria, stating that Mr. Briggs had arrived at that place, had disapproved entirely of Mr. Lee's project, and of his undertaking to pay for my journey, and having learnt that I had been much longer getting to Aleppo than was expected, had written to Mr. Barker to say that, if the money for my journey had not been advanced, he was not to do so; and if it had, he was to write on to Bagdad to Mr. Rich to authorise him to recover it, as I had not made the haste I ought to have done, and had therefore forfeited my claim to their stipulation of paying my expenses.—I shall not stop to say how unhandsome this return was for my endeavours in their service. You remember well enough that when I was at Alexandria, I should not have thought of setting out again to India, in deed I had not the means, were it not for the pressing instances of Mr. Lee, who voluntarily offered to pay my way, on Briggs and Co.'s account. No time was limited, no route was positively fixed, and no sum was named. It was generally understood that I should go as quickly and as cheaply as I could, and that whatever the actual cost was I should be repaid. Every one must know that to me, who had a dependant family in England, the mere payment of my actual expenses, (which was all they promised or I claimed), was but a poor remuneration for all the risks and inconvenience of a journey to India by land, the loss of all the time it occupied, and the probable chance of being sent out of the country a second time for the want of a licence when I got there. But to give orders to arrest me, and stop all my supplies in the middle of Asia, leaving me no means of going forward or returning, was an act of cruelty and barbarity which until then I thought no English gentleman could be capable of, more particularly as I had done my best to get on, whatever they might have thought; and the impediments of a disturbed country, unsafe routes, sickness, &c. by which I was so constantly obstructed, were not of my own seeking, nor within my power to remedy. This order of theirs was, however, ineffectual, for long before it had ever reached Mr. Rich at Bagdad, I was at the end of my land journey in Persia, and soon after arrived in India, where the Red Sea scheme ended, and after losing a whole year in time (and having not one rupee of reward beyond the actual payment of my expenses), I was thrown completely on my own bottom, and obliged to look out for employment to get my bread.

"I entered then, as you know, on the command of the ship *Humayoon Shah*, for a voyage to Bussoorah. This I made, and on my return to Bombay, Mr. Briggs himself was there. A demand was now made by him on me, to refund the whole of the money I had received on their account for my journey, on the plea that I had not made the best of my way across, and that, therefore, the purpose which I set out to accomplish was not effected. I replied, that it was no part of our stipulation, that my expenses were to be paid if the object of the Red Sea trade succeeded, or to be refunded if it did not succeed, for on such uncertain conditions I could not have set out. My journey was simply to bring to India the original of a treaty of commerce with Mohammed Ali Pasha, to which I was a party, promising security and easy duties to such merchants in Bombay as chose to rely on his faith, and to follow this up by any thing I might think useful to be added in confirmation of this from my own knowledge. This journey I did perform; this treaty I did bring; and these representations I did make. In the execution of this task, I had met with unexpected and unsought obstacles, which nothing but great perseverance could overcome. I had been several times in danger of losing my life,

ham's mission, as my Learned Friend, Mr. Brougham, has been pleased to call it. Mr. Buckingham does not deny that he introduced himself to Mr. Bankes (31); but then, my Learned Friend, Mr. Brougham, says, that Mr. Buckingham and Mr. Bankes were travelling together on an equality; and that Mr. Buckingham had a right to avail himself, in his work, of all the information he may have derived from that journey. In order to enable you to form a just and proper decision upon the question between those parties, it is material that you should know how the parties became acquainted. Of that more material part of the case, my Learned Friend, Mr. Brougham, has not thought fit to offer any evidence (32); but I shall now show, Gentlemen, how this introduction took place, and the relative situation of the plaintiff and defendant during the journey; in short, I shall establish the truth of the justification, and substantiate every allegation made by Mr. Bankes, to the letter (33) upon the record; and you will then see what little right Mr. Buckingham has to complain. Indeed, I rather wonder that Mr. Buckingham should come into a court of law in an action of libel against a man for having written

and was delayed by sickness; but during the whole of this protracted period of nearly twelve months, I had spent only about £400 sterling. My friends in Bombay, indeed, said, I was not only fully entitled to this, but that, if Mr. Briggs had done his duty, he would have made me a present of £100 besides, as salary for that period. However, I claimed no more than I had actually spent; while he demanded it back again, knowing, at the same time, that I was deeply in debt, and had not a rupee in the world! In this dilemma, I agreed to refer it to arbitration, letting him select one judge, myself another, and these two between them a third; this he refused, by saying, that the liberality of Indian arbitration would grant me rupees instead of shillings, and that I should be sure of too favourable an award. He then consented to receive back half; expressing his conviction at the same time, that the whole £100 had been spent on the journey, and his belief that no portion had been applied unnecessarily, as he could not conceive a journey occupying so much time being made for less money, but it was my claim to *any part of it* that he resisted, and he spoke of this compromise of half, as a favour, threatening, that if I did not accede, he would commence an action in the courts of law for the whole. I was, myself, prepared to do any thing that was just, but my friends wished me to do that which was most prudent. Mr. Biskine and Mr. Wedderburn were both of opinion, that though I had right on my side, yet, if I made it a matter of law, I might in its uncertainty be cast in damages and costs; and even if I got off, that expenses might fall on me as heavy as the £200 I incurred. I was, therefore, advised to consent, and accordingly I gave to Mr. Briggs three promissory notes, one for £50 at six months, one for £50 at twelve months, and one for £100 to be paid on the publication of my 'Travels in Palestine'; for, he said, as my observations on that country could not have been made, had it not been for my mission for his house, it was right they should participate in the profits! He then gave me a letter, of which I enclose a copy, absolving me from all claims on the part of his establishment. The two £50 notes I have paid off since I have been in Calcutta, the £100 note is lodged with Messrs. Remington and Crawford, in Bombay; and will be paid when the book is out."

"The acknowledgment of Mr. Briggs, also referred to in the foregoing, is still in my possession. The promissory notes there enumerated have all now been paid. The following is a copy of the letter.—

*Mr. J. S. Buckingham, Bombay.*

"SIR,—In consequence of your engaging to pay the sum of two hundred pounds sterling, to the order of my house at Alexandria, under the firm of Briggs and Co., viz.

£50—at six months from this date;

50—at twelve months ditto;

100—on the day of the publication of your Travels through Palestine, &c, for which you

— have given me three promissory notes in duplicate, I do hereby declare that on pay-

£200 ment of the same, all claims of my house on you will be discharged, and the present

— shall be considered a final settlement.

"I am, Sir, your very obedient Servant,

"For BRIGGS and Co.—S. BRIGGS.

"Bombay, 18th March, 1818."

(31) Mr. Buckingham has *always* denied this, in the sense in which Mr. Bankes represents it.

(32) If one man introduced himself to another, what possible evidence *could* he produce, but that of himself or that of the person to whom he had thus made himself known? Mr. Gurney knows that neither Mr. Buckingham's nor Mr. Bankes's evidence would be received, as they are both principals in this case, and could not be admitted as witnesses. It is a mere quibble, therefore, to say the least of it, to represent the absence of evidence on this point as material.

(33) It is hoped the reader will bear in mind this solemn assertion; that he may determine hereafter, whether Mr. Gurney must not have *known*, while he was uttering it, that he must fail to redeem his pledge.

him a sealed letter, and given a copy of that letter, which, upon the evidence, was never seen by any person except Mr. Hobhouse and Mr. John Palmer; and call upon a jury to infer, that, by this letter, Mr. Banks meditated the ruin of Mr. Buckingham, and to injure the sale of the work intended for publication (34). The plaintiff would also have you infer, that in consequence of this letter a publisher had declined to publish the work (35): but you have this day, Gentlemen, heard the evidence of Mr. Murray, who says, that he declined the work, not in consequence of any thing that Mr. Banks had either said or written, but in consequence of a letter received from Mr. Gifford, to whose perusal the work was submitted; and even then the publication was not declined; but the manuscript was returned to Mr. Buckingham's friends, in order that they, by some alterations, might obviate Mr. Gifford's objections (36).

When Mr. Banks was at Jerusalem, he meditated a journey into the country beyond the Jordan—a journey which he accomplished only by the assistance of Arab guides; and there was one guide perfectly competent to the task, but he refused to accompany Mr. Banks, except upon one condition, namely, that Mr. Banks would procure the release of his son, who was at that time in prison in Jerusalem. So anxious was Mr. Banks to go the journey, that he actually procured, by means of a present to the governor of Jerusalem, the release of the young Arab, and made the necessary preparations for the journey before the arrival of Mr. Buckingham at Jerusalem. Upon Mr. Buckingham's arrival at Jerusalem, he made application to Mr. Banks's servant to deliver a letter of introduction to his master, and the servant did so. At first, Mr. Banks was unwilling to associate with Mr. Buckingham; but Mr. Buckingham, resolved to effect the object that he had in view, stated that he was on terms of the closest intimacy with some of Mr. Banks's friends, and applied to Mr. Banks for permission to accompany him on his intended journey. Mr. Banks at first peremptorily refused. Mr. Buckingham applied again and again, and Mr. Banks said "No" again and again. Mr. Buckingham was still urgent; he said to Mr. Banks, "If you will allow me to accompany you, I will act as your servant; I will take notes for you." In short, Gentlemen, he expressed himself willing to make himself useful in any way Mr. Banks might require his services, provided permission were given to him to accompany Mr. Banks on the journey. Mr. Banks, thus *solicited* by Mr. Buckingham, complied with his request, upon the express condition that Mr. Buckingham would take notes, which, when taken, were to be the property of Mr. Banks: Mr. Buckingham said certainly, as he was very anxious to see that country. Upon those terms Mr. Buckingham accompanied Mr. Banks. (37) They visited the ruins of Jerash, of which Mr. Banks made a ground-plan from notes taken by Mr. Buckingham, by the dictation of Mr. Banks. On their return to the Convent at Nazareth, I shall prove to you that Mr. Buckingham was seen by Mr. Banks's servant tracing the ground-plan, and taking a copy of Mr. Banks's notes, although the understanding, indeed the agreement, between him and Mr. Banks was, that Mr. Buckingham was not to avail himself in any way of the notes thus taken; and when reference is made by Mr. Banks to the ex-

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(34) It has been already stated to how many persons it was shown, and how industriously its elanders were despatched over all Europe and Asia, to men of the most powerful influence and station.

(35) No such inference was ever attempted to be drawn, as it was known that it was the letter of Mr. Banks's *father* which occasioned this, but this letter, as will have been already seen, was entirely founded on the letter received from Thebes, and written by his son.

(36) This is utterly untrue. The refusal to publish was unconditional; and the work was entirely withdrawn from Mr. Murray's hands.

(37) It is unnecessary to comment on all these mis-statements here, as they will be found to be completely refuted in the course of the proceedings, not only by the written evidence of Mr. Banks himself, but also by the oath of both the very witnesses who were produced on his behalf.

penses of that journey having been defrayed by him, he does so merely for the purpose of proving the truth of his statement, that Mr. Buckingham and he were not travelling upon equal terms, and that Mr. Buckingham had undertaken to perform some service for Mr. Bankes. They then parted: and when they again met at Damascus, some civilities passed between them, as it undoubtedly appears from Mr. Bankes's letters. No doubt that Mr. Buckingham, who is a man of some address and of specious manners, and who has acquired by his extensive intercourse with the world a considerable share of confidence, did ingratiate himself in the good graces of Mr. Bankes; no doubt that, at that time, Mr. Bankes supposed Mr. Buckingham to be (as he had represented himself) the intimate friend of Mr. Burckhardt, better known by the name of *Sheikh Ibrahim*, one of the most distinguished travellers of this or of any other country—a man upon whose honour and reputation an imputation had this day, for the first time, been cast—a man of the most unblemished character—and a man whose esteem was a passport to the confidence of every man who had the pleasure of being acquainted with him. (38)

(38) Supposing this representation to have been really made, of which there is no proof whatever, it would have been strictly true; as at the very period of Mr. Buckingham's leaving Alexandria for Syria, in December 1815, he continued to receive the most friendly letters from him, and he did not know of any change in Mr. Burckhardt's mind towards himself, until the beginning of the year 1817, when in India, and more than twelve months after his being with Mr. Bankes at Jerusalem. The following is the account of this affair, which appeared in the '*Calcutta Journal*,' of December 22, 1822, and was repeated in the Appendix to '*Travels among the Arab Tribes*,' at page 654, having been, like all the other matters in that work, in Mr. Gurney's hands for these two years past:—

"My next meeting with Mr. Burckhardt was at Cairo, on my return from India, in December 1815. Of that interview Mr. Babington was a witness, and he has already testified to the warm sentiments of regard and esteem which Mr. Burckhardt possessed for me during his stay with him at Cairo, after my business had compelled me to quit that place for Alexandria. If any thing were wanting to confirm this continuance of his professed regard, it may be found in an extract of a letter written to me on the 3d of December, 1815, only the day preceding that of Mr. Babington's leaving Cairo, which, indeed, the letter itself mentions. In this letter Mr. Burckhardt says to me:—

"*'Mr. Babington has just communicated to me the news of your speedy departure from Alexandria. Truly sorry as I am to forego the pleasure of seeing you again at Cairo, I still feel some satisfaction in thinking that I can evince at least my sincere desire of becoming of some service to you, in transmitting to you such local information on your intended land journey, as may help you to perform it with increased hopes of success.'*

"The letter then points out the dangers of travelling in Syria, the disturbed state of the country rendering it indispensable to travel under the firm and protection of the several pashas, &c., and urges me again and again to consider whether I should not do better to offer my services to the pasha, than go on a message for people who would reward me but slightly and who had none but the most self interested motives in prevailing on me to undertake the journey they had projected for their own benefit. This letter closed with these words, referring to the doubts of my being well or sufficiently remunerated for my pains:—

"*'Perhaps I go too far in my doubts, I most anxiously wish to be mistaken. Believe me, they arise in my anxiety about your welfare, and I, above all, rest assured, that whatever you may determine upon, my warmest wishes for your ultimate success accompany you. It grieves me to part so soon again from you without having any reasonable hope of seeing you for many years. Do, therefore, remember me, for I shall ever be, with warmth and truth, my dear Buckingham, very sincerely yours,' &c.*

"All the history of Mr. Burckhardt's conduct after this has been detailed in Mr. Babington's reply to the celebrated '*paper*' (some extracts of which have already been given). When this paper was first written, or first circulated, I have no accurate knowledge; but, at the most, it must have been within two, or say even three, months after the date of his letter to me of December 3, 1815, and after his parting with Mr. Babington. I regret exceedingly that I have not a copy of the paper itself, that it might be printed at full length, dreadful as some portions of the language and accusations are; but the substance of it is sufficiently known. The calm and circumstantial reply of Mr. Babington to this paper, and after he had seen the last rejoinder also, is, however, so important to the case, that I hope I shall be forgiven for introducing it at length in the course of this defence, to render the whole complete. I shall give it, therefore, a place in a subsequent page.

"The only persons that I have ever yet heard alleged for this change in Mr. Burckhardt's mind, from the extreme of enthusiastic regard and admiration, to the extreme of hatred and detestation, are these:—1st. That, having seen and compared all my different letters to different individuals in Egypt from Syria, he was of opinion that I was not pursuing my journey

Mr. Buckingham did, Gentlemen, represent himself to be the intimate friend of this excellent man, and he thus acquired the confidence of Mr. Bankes. They then parted, Mr. Buckingham to pursue his journey to India, and Mr. Bankes to encounter fresh perils in the prosecution of the objects of his laudable ambition. (39)

Three years after their last parting, Mr. Bankes, whilst visiting the ruins of Thebes, received a Calcutta newspaper, containing an advertisement, announcing that a work, entitled 'Travels in Palestine, by James S. Buckingham,' and promising, that in the work would appear thirty engravings of various places in the Holy Land, with a portrait of the author in the Turkish costume, and that among those engravings would be a plan of the ruins of Jerash. Mr. Bankes, you will remember, Gentlemen, was then in a remote part of the world, still exposing his life to new perils in the ardent pursuit of his laudable ambition, to illustrate the manners and customs of countries

as I ought to do, and was thereby injuring Messrs. Briggs and Co. 2<sup>dly</sup>. That in those letters he discovered that I had spoken to Briggs and Co. of my being advised by friends (meaning himself), before I set out on this journey, not to undertake it, and that this was a breach of confidence which was unjustifiable on my part.

"Now supposing it, for the sake of argument, to be quite true, that I had delayed my journey unnecessarily, and travelled on Briggs and Co.'s money; and that I had even named him to them as the friend who had advised me not to undertake the task; surely these new facts could not affect what passed between us on the Nile two years before, nor what happened at Jedda, one year before. This discovery could not make my conduct to my family in England at all different from what it really was: it could not change me from a man 'whose character and acquisitions were calculated to inspire admiration and esteem,' into 'a brute, a scoundrel, and a fool;' nor could it make my pursuits, which were before 'noble, honourable, and virtuous, because sanctified by love and duty,—all at once 'the fraudulent arts of a cunning yet awkward impostor.' Yet these were the changes in Mr. Burckhardt's expressions, within three months, at the farthest, after his last friendly letter, and his parting from Mr. Babington, and all that until this had appeared to him noble and good, was changed, as if by magic, into execrable and devilish, from the period of our first meeting up to his impudent citation of Mr. Babington as an authority for assertions which he afterwards most solemnly denied!

"But the aggravation of Mr. Burckhardt's conduct is the greater, from the circumstance that slight, trivial, and inadequate as the *alleged* causes were, they were NOT TRUE. I have shown how I had discharged the trust of Briggs and Co. as one of the assigned causes of his anger; and with regard to the pretended breach of confidence, it was simply this:—Mr. Burckhardt had urged me most strongly not to undertake the journey, as he did not believe I should be adequately rewarded; and, in doing this, he made no intimation of secrecy whatever. On Mr. Lee's writing to me in Syria as to the deviation from the straight line which I appeared to him to have made, and reproaching me with what to him appeared unnecessary delay, I defended my conduct by showing the necessity that had occasioned it; and in reply to his angry reproaches, said, I regretted having had any thing to do with it, though, having begun, I should now go on; adding, 'There were not wanting friends who advised my not undertaking this journey, and who recommended the offer of my services to the pasha.' If it was a breach of confidence in me to say this, it was a greater breach of confidence to show my letters to the person to whom it applied, for the purpose, perhaps, of asking him whether he did not think *he* was the person alluded to, and thus exciting his anger. Mr. Burckhardt having given me this advice, without any restraint as to its use, I should have been fairly justified even in mentioning him by name as the person who had so advised me; but why any man should give another advice on so important a matter, and have him afterwards for making it known, even without mentioning his name, is to me quite inexplicable.

"For myself, I firmly believe Mr. Burckhardt's enmity to me to have arisen from other causes. If I had gone by the sea-coast to Aleppo, I should not have touched any new ground, nor have trespassed at all on provinces of which he was, till that period, the only person who had any information. The change of route drove me into a portion of the country which he knew I should bring away ample accounts of, though travelling in haste, from my known industry, method, and indelible habits: he knew also, that, if I ever published, I should make a better book than himself, and not only forestall, but probably also eclipse, his account of those unvisited regions. I believe that he would have done any thing to have damaged my reputation, as the best mode of defeating this, just as Mr. Bankes threatened to do, unless I gave up to him materials of my own, so as to give him also a monopoly of what Mr. Burckhardt equally desired for himself; and of which the one has yet published nothing, after years of leisure and health for preparation; and the other has furnished materials for a book, which the 'Literary Gazette,' a review rather favourable to his productions than otherwise, says, 'neither calculated to instruct the few, nor entertain the many.'"

(30) The *perils* of Mr. Buckingham's subsequent route through Mesopotamia, were as much greater than any Mr. Bankes could have to encounter in Syria and Egypt, as his dangers in this latter country were greater than those of travelling in England.

which were endeared to his early recollections; and he, upon seeing this prospectus of a work, a portion of which could only be produced by Mr. Buckingham from his having availed himself of materials to which he had obtained access upon condition that he would not apply them to his own use, naturally felt indignant (as any man under similar circumstances must have felt) that by such a gross breach of confidence he should be deprived of a portion of that fame, for which he had quitted the comforts of his home, had given up the pleasures of youth, and had exposed himself to innumerable perils in a foreign land; and in a moment of indignation (40) he did write the letter which is the subject of this action. I admit, Gentlemen, that no feeling of indignation can justify a falsehood; but I am instructed to state, that there is not in this letter *a single word* that is not *perfectly true*! (41)

My Learned Friend, Mr. Brougham, says, that Mr. Buckingham paid a second visit to Jerash; and the only proof my Learned Friend has offered in support of his statement is, that Mr. Buckingham says, in his printed book, that the plan of Jerash originally taken was corrected by observations made upon two subsequent visits to the spot. Now, Gentlemen, that is Mr. Buckingham's statement. Mr. Bankes's statement is, that the plan published by Mr. Buckingham was taken (in violation of a contract between him and Mr. Buckingham) from the plan made by him when Mr. Buckingham accompanied him, upon the conditions which I have already mentioned. (42) So far, then, we have statement against statement. The first observation which I must make upon this second visit to Jerash is this: throughout the whole of this journey the notes taken are committed to writing, in the language of a journal; but there is not, throughout the book, one single note of any observation made by Mr. Buckingham on his second visit to Jerash. Now, I ask you, Gentlemen, looking at the language and the form of the observations (which are classed under the date of the day on which they were made) in this work, can you believe, that if Mr. Buckingham had visited Jerash a second time, he would not have given some date, and a note stating that he had been there a second time, and had made observations by which he had been enabled to correct the errors in the first plan. If I had no other reason but this silence on the part of Mr. Buckingham, I should not hesitate in saying at once, that it was sufficiently conclusive to my mind that he had never been to Jerash a second time. Mr. Buckingham has omitted to make any note of his second visit; and is it to be believed that he who represents himself as, and who I believe is, an accurate and copious note-taker, would have omitted to notice this second visit for any reason other than this—that he never *did* go there a second time? (43)

But independently of this silence on the part of Mr. Buckingham, I have the means of showing, in a way that he little apprehends, that he never did pay a

(40) If "a moment of indignation" could form an excuse for the original letter written from Thebes, it must have been a long fit of anger to last a man from thence all the way to Trieste, at the head of the Adriatic, from which, upwards of six months afterwards, he sent this copy, for the purpose of publishing Mr. Buckingham as a villain to the world, by the hands of Mr. Hobhouse. It was for this cool and deliberate libel, and not for the letter written in a moment of indignation, that the present action was brought.

(41) The reader will see by the evidence, that there is not *a single word* of this solemn assertion of Mr. Gurney's entitled to belief.

(42) The plan was taken openly, and was known to Mr. Bankes to be so taken; there could, therefore, be no violation of compact. Besides which, it was Mr. Buckingham's plan as much as it was Mr. Bankes's.

(43) The explanation of this was as familiar to Mr. Gurney, at the very time he was pretending ignorance of it, as it will, no doubt, be convincing to the reader when repeated here. The following short reference to this subject, is from the 'Calcutta Journal' of December 22, 1822, and Appendix to 'Travels among the Arab Tribes,' page 639, 640:—

"It was asserted that Mr. Buckingham had never been a third time to Jerash, and that no traces of such third visit were to be found in his book." Both these charges were rebutted:



second visit to Jerash; my Learned Friend has called before you Mr. Arrowsmith, a gentleman whose abilities I have no wish to under-rate, and who has told you, that, in the engraved plan, there are many alterations made, which are not in the ground-plan traced by Mr. Buckingham at the window of the

the first by the living evidence of a gentleman in Calcutta, who had seen and conversed with the guide who accompanied me there alone\*; and the second, by a reference to the preface of the book itself, where the third visit was distinctly mentioned. Both these points were also abandoned, like all the former ones, as unattainable, and accordingly given up."

"It may be added, that the journal printed in the 'Travels in Palestine,' is given in the form of a diary: that the first and second visit, which being on two successive days, may be considered as the first visit only, made by Mr. Banks and Mr. Buckingham in company, were on the 31st of January and 1st of February 1816. The latest date in the 'Travels in Palestine,' is the 18th of February 1816. The third visit to Gerash, made by Mr. Buckingham alone, was on the 7th of March, 1816, seventeen days *after* the diary in the 'Travels in Palestine' closed; and therefore impossible, without a falsification of dates, to be given in that volume. In the subsequent 'Travels among the Arab Tribes,' however, which commences with the 20th of February, 1816, two days after the former volume closed, and where the diary is again resumed, will be found, at page 121, under the date of March 7, 1816, a detailed account of the *third* visit made to Gerash without Mr. Banks, occupying twelve quarto pages, and concluding with the following paragraph:

"While our morning coffee was preparing, I ventured out with my compass and note-book, to take sets of bearings for the correction of the plan of the city, which I could now enjoy an opportunity of doing, without any interruption and with but little delay. Starting at daylight, I had hoped to have done all I wished by eight or nine o'clock, but one object led to another, so that it was nearly noon before I completed the peregrinations of the principal quarters of the city. By incessant and unwearying assiduity, during this period, I was enabled to sketch the ground-plans of four new edifices, take seven separate sets of bearings from different buildings by compass, and copy some Greek inscriptions from an altar, a column, and the frieze of a temple, making besides upwards of ten closely-written pages of notes, on the several portions that struck me as worthy of remarking on as I went along.

"The whole of this, which formed a far greater body of materials respecting Gerash, than Mr. Banks and myself had been able to collect during our first hasty and interrupted visit, I thought it advisable to incorporate in the account given of the ruins of that city, in the 'Travels in Palestine,' already before the public, in order to make it as complete as possible, and to gratify, as well as I could, without delay, the curiosity of all who desired to know whatever could be communicated, respecting these recently discovered and highly interesting remains. Instead, therefore, of repeating, in this place, the portion of information collected on this third visit to Gerash, I must refer the reader to the comprehensive general account of its ruins, contained in the 'Travels in Palestine,' already referred to; where it occupies about sixty pages, accompanied by a ground plan of the city, and many of its separate edifices, drawn entirely from the notes, bearings, and measurements, taken by myself on this last occasion."

How Mr. Gurney, to whom all this was distinctly known, because the book in which the whole is contained was in his hand, with marks and leaves turned down, and constantly referred to by him, both during his speech and while examining every clause in court, could say that no evidence existed of Mr. Buckingham being at Jerash a second or third time, it is not easy to explain. The original manuscript notes of Mr. Buckingham, identified by Mr. Babington as those seen and read by him on Jerash at Madras, in 1818, a year before Mr. Banks's libel—

\* "The following is a copy of the note in question, the original of which may be seen at my house, by any one desiring it.

*Half-past 4, Wednesday afternoon, Nov. 20, 1822.*

"DEAR BUCKINGHAM,—I have this moment received your note, and will be happy to give such confirmation as lies in my power, to your having paid a visit to the ruins of Gerash subsequent to those made in company with Mr. Banks.

"The son of your guide, who was a Christian Arab at Nazareth, showed me a written character which you had given his father at Damascus, after having performed the journey across the Jordan alone; and my recollection serves me perfectly in your describing in that document the safety of the route from Nazareth to Damascus, by the way of Gerash, when you passed as a single traveller. I afterwards met your guide at Aleppo, who often adverted to the same journey, and you may make any reference you please regarding the authenticity of this statement, to

Your's, very faithfully,

"R ——— W ———."

"(The writer of this letter, and the hand-writing, are known, among others, to Messrs. Colvin and Co. of this city, so that there can be no difficulty in proving its authenticity.)

"It may now be added, that the writer was Mr. Robert Wilson, a gentleman who had himself made extensive travels in Asia, and who is now the private secretary of the Marquis of Hastings, at Malta.—1824."

convent at Nazareth ; I admit that there are, in the published plan, deviations from the plan originally taken by Mr. Banks, and all those deviations which Mr. Buckingham would have you to believe are the result of his observations upon a second visit to Jerash, are the result of invention and falsehood. (44) Mr. Buckingham is little aware that Mr. Banks has visited Jerash at a subsequent period ; (45) but I shall show you that Mr. Banks, accompanied by the Honourable Captain Irby and Captain Mangles, subsequently visited Jerash, that they spent five whole days among the ruins, of which they took a most accurate survey. I shall satisfy you, Gentlemen, by the most respectable testimony, that, although in the printed plan, there are many deviations from the plan originally taken by Mr. Banks ; there is not one of them which is not founded on invention and falsehood. (46) In part of the printed plan there are two rows of columns, but I shall prove to you, by five respectable gentlemen, that, in the place so represented, there are no columns at all. (47) First, as to the outline of the plans, I have now before me three plans ; Mr. Banks's plan, Mr. Buckingham's printed plan, and the genuine plan. The plan originally made by Mr. Banks is, I am free to admit, full of errors, as it must necessarily be, from having been taken in a hurry, and the distances not laid down from actual admeasurement. In the first place, the walls in Mr. Banks's plan are not angular ; in the genuine plan they are all angular ; Mr. Banks's plan represents two towers on a part of the walls, where there are no towers, whilst on other parts of the walls, which, upon an accurate examination, proved to be studded with towers, there are none represented in Mr. Banks's plan. Both those omissions are carefully preserved in the plan made by Mr. Buckingham, after having made accurate observations on his second visit. (48) 'This is the gentleman who promises to furnish vignettes, to correct the errors of others who had visited the East. (49) In another part of Mr. Buckingham's plan, there is a place marked "Head of Fountain," but is no such thing. I shall prove to you that it is an aqueduct. (50) Another place marked "Military Guard-house," is merely an angle of the walls. I beg to ask you, Gentlemen, whether those coincidences between the published plan, and the plan originally taken by Mr. Banks, do not confirm the opinion expressed at the moment by Mr. Banks, that Mr. Buckingham was availing himself of a violation of his compact, and that he was intruding upon his property, in giving to the public original draw-

ings. I am sure, if any charge of plagiarism was even suggested, were tendered in evidence of this third visit, and the ample notes made on it ; but they were rejected, on the ground that this was evidence produced by an individual in favour of himself, and could not, therefore, be legally accepted ! There was enough, however, without this to satisfy all who heard it.

(44) Mr. Gurney knew to the contrary when he said *this*, as the subsequent evidence will show.

(45) If Mr. Buckingham read as little, or to as little purpose as the learned counsel, or if he had so convenient a lapse of reasoning, he might not have remembered this : but Mr. Banks himself proclaimed this, and reiterated it again and again in his slanderous article in the 'Quarterly Review,' five years ago. So that not only was Mr. Buckingham, but all the reading portion of the public also, *well aware* of this, which Mr. Gurney affects to disclose as an important fact, now for the first time known through him to the world !

(46) But the jury were not so satisfied, nevertheless.

(47) It was afterwards admitted that there *were* columns, though not in exactly the same position.

(48) It was nowhere pretended that either of these plans were *PERFECT* ; but that Mr. Buckingham's was more accurate than Mr. Banks's, though of course five gentlemen, each employed for five successive days, might well hope to collect more materials for a plan of a ruin, than one unsettled individual in as many hours !

(49) No such pretence is anywhere made.

(50) This is a mistake of the learned counsel. It was a bridge that was mistaken for an aqueduct ; though the head of a fountain and an aqueduct might be very likely to be near each other.

ings taken on the spot—drawings which he had not the means—not the ability to make, as Mr. Banks well knew.

My Learned Friend, Mr. Brougham, has, in order to prove to you the abilities of his client in making drawings, ventured to ask one of the witnesses respecting that fact; but you must remember, Gentlemen, that the answer of that witness was, that he had seen Mr. Buckingham make a drawing of a headland,—a conclusive proof, it must be owned, of his ability to lay before the public original drawings of cities taken upon the spot. (51) I admit, Gentlemen, that Mr. Buckingham did send with his manuscript to England some engravings and drawings, and, here, I must give you a specimen of the art of book-making. But what do those engravings consist of? They are some (indeed all, with the exception of these) of ‘Meyer’s Views of Palestine,’ published several years back. (52) When Mr. Buckingham sent those engravings to England, he was afraid that they would be recognized as French engravings, which had been many years published, and he accordingly wrote marginal notes, directing that, in the engravings to be published in his work, some figures which were in the original engravings should be omitted, and others substituted in their place, and that certain alterations should be made in the costume of the figures; thus endeavouring to conceal the plagiarism, and to pass off those engravings as his own. (53) Mr. Buckingham expected that, by adopting this disguise, it would be impossible for any person to recognize the children, who had been dropped,—first, as to the engraving of the Tomb of Absalom, Mr. Buckingham, in a marginal note, directs that for the two Turkish figures on the right, in the original engraving, there should be, in the new engraving, two figures in European costume on the left, “one sitting on a rock, and writing in a note book, and the other holding an ink-horn in his hand.” Then, as to the engraving of the Ruins of the Aqueduct of Tyre, Mr. Buckingham directs that the “figures on the right be entirely omitted.” Gentlemen, it is unnecessary for me to go into all the alterations directed to be made by the marginal notes in the hand-writing of the plaintiff, because the engravings will be put into your hands, and then, I feel convinced, that you will agree with me, that Mr. Buckingham’s object in making those alterations was to practise a *fraud* upon the public. (54)

MR. BROUGHAM.—I suppose you will give up the engravings? They are Mr. Buckingham’s property. (55)

(51) The capacity to draw headlands and sketches of coasts, which all navigators almost necessarily understand, is quite sufficient to enable an individual to take outline sketches of scenes on shore, sufficient to enable *others* to make from them more finished drawings; and Mr. Buckingham never pretended to be competent to more than this. But the question here at issue, was not about original *drawings*, but about a ground plan of the walls, streets, and edifices of a ruined city, in the delineation of which nothing was required beyond the capacity to draw mark-lines with a common pen and ink: a great and rare accomplishment, it must be admitted!

(52) They were at that time not even published at all, but as new to the world as any original drawings whatever.

(53) This is utterly and gratuitously false, as will be seen hereafter; there being not only no intention to disguise, but a clear and distinct acknowledgment given, of the source from whence they were adopted, and even praise bestowed on the artist, whom, it is here so shamefully pretended, it was Mr. Buckingham’s intention to despoil of his labours!

(54) The whole of this is as absurd as it is wicked. No leaving out of mere figures, or alterations of costume, *could* disguise a picture, if all other parts remained the same; and it is not pretended that any alteration, except in the figures, was directed to be made; the reason of which was, that the figures were not only no necessary part of the picture (being, no doubt, all put in by the artist after his view was complete), but that there were many of them inaccurately placed; and so numerous as to make the re-engraving of the plate containing the whole, at least twice as costly as its execution without them, while their absence would not affect either the fidelity or beauty of the view in the slightest degree.

(55) The secret and clandestine manner in which these engravings had been obtained, by a breach of confidence on the one part, and a most discreditable eagerness to profit by such breach of confidence on the other, will be fully exposed hereafter.

MR. GURNEY.—He is very welcome to them; but the Jury must first see them as a specimen of the work, with a view to injure which the plaintiff complains that the defendant wrote this letter. My Learned Friend, Mr. Brougham says, "If Mr. Buckingham has copied the notes of Mr. Bankes, and inserted them in his work, my Learned Friend, Mr. Gurney, will be able to show you, Gentlemen, that, page after page, those notes appear in Mr. Buckingham's work." Gentlemen, my Learned Friend, knew very well, and you must know, that it would be impossible to do so; and for this reason, that those gentlemen were travelling in a country where the taking of notes was a work of considerable peril; and it is not, therefore, probable that very copious notes would be made on the spot; but, we all know, that a gentleman may, on his return home, expand notes occupying not more than two lines into half a page. Gentlemen, it is, therefore, absurd to expect that Mr. Bankes should be able to show you a literal copy of the notes in Mr. Buckingham's work; but, I say, Gentlemen, that, in a case like the present, if it should be found that the *style* of Mr. Buckingham's notes corresponds with the *style* of the notes taken by Mr. Bankes, that will be sufficient to convince you of the truth of the charge preferred by Mr. Bankes against Mr. Buckingham in this letter. (56)

Gentlemen, if Mr. Bankes had considered the question between him and Mr. Buckingham as one of a pecuniary nature, he, undoubtedly, would not have defended this action, and incurred the immense expense of bringing from distant parts of the globe the witnesses necessary for his justification; (57) and, no doubt, when Mr. Buckingham brought this action, he took it for granted that Mr. Bankes would not have gone to that expense; but Mr. Bankes, wishing to appear before you as a gentleman, has incurred that expense, and I shall this day produce before you the servant who accompanied Mr. Bankes in all his travels, and also the Albanian soldier who accompanied him on the journey to Jerash. When my Learned Friend, Mr. Brougham, speaks of delay, I must beg leave to remind him, that for that delay no blame can attach to Mr. Bankes.

MR. BROUGHAM.—You would not admit the publication of the libel.

MR. GURNEY.—Because we wanted to know what sort of publication it was. We did not think that any publication could be *proved*. Mr. Bankes has been always anxious to have the matter fully and fairly investigated; (58) but not so was Mr. Buckingham, for, when we applied for time to bring the witnesses to this country, it was said, on the other side, that it was of no use to grant the time required by the defendant, because the Albanian soldier was of such an advanced age that he would never reach this country. (59) Gentlemen, I shall put this *old* man into the witness-box, and so far from his being of an extreme age, you will find that, in appearance at least, he is not more than thirty-five years of age or thereabouts. I shall produce Antonio da Costa, the servant who accompanied Mr. Bankes in his travels, and who will prove to you the nature of the contract entered into between Mr. Bankes and Mr. Buckingham before they left Jerusalem, on their journey beyond the Jordan. The expense of the outfit necessary for the journey was certainly great; but, I am ready to admit, that the *actual expenses* of the journey to Jerash were trifling; and Mr. Bankes, in mentioning

(56) Even if this could be shown, it might have proved something; but not a line, nor an expression, nor even a similarity of style was *attempted* to be shown by evidence; for the best reason in the world, because it was impossible.

(57) The great burthen of whose expenses has been already paid by Mr. Buckingham!

(58) This is impossible; because all that was necessary to this full investigation, was to admit the publication of the letter, and go at once to treat on the truth or falsehood of its contents, which might have been done two years ago; but Mr. Bankes would *not* admit what has since been proved, and from this alone has all the subsequent delay arisen.

(59) No such assertion was ever made.

those expenses, had no other object but to show that the journey was his own.

My Learned Friend, Mr. Brougham, says, that Mr. Buckingham paid half of the expense of the journey to Jerash: I shall show you, Gentlemen, that, if Mr. Buckingham were disposed to do so, he had not the means in his power! How do I intend to prove that? I shall prove it by showing, that at Jerusalem Mr. Buckingham applied to Mr. Bankes's servant for a loan of ten dollars; that the servant refused to afford him that accommodation at first, and that he afterwards gave him the money by the order of Mr. Bankes. (59½) I think, I shall show you, Gentlemen, that *every allegation in this letter is well founded*; I shall show you, that the journey was Mr. Bankes's; that Mr. Buckingham *admitted* the terms upon which it had been agreed he should accompany Mr. Bankes; and I shall also show you, that Mr. Buckingham *admitted* he had not money sufficient to carry him through the Desert; and that he went from one place to another, introducing himself as the friend of Mr. Burckhardt! (60) Mr. Bankes has stated, in this letter, that it was not correct in Mr. Buckingham to puff himself off as the friend of Mr. Burckhardt, because Mr. Buckingham knew at the time, that whatever opinion Mr. Burckhardt might at one time have entertained respecting Mr. Buckingham, that opinion had, long before the time of which I speak, been changed, and that change of opinion had been openly expressed to every one of Mr. Burckhardt's acquaintances. (61)

When, therefore, Mr. Bankes saw, that in this advertisement Mr. Buckingham described himself as the friend of Mr. Burckhardt, (62) no doubt with the view of increasing the sale of his Work among those who had the pleasure of

(59½) This is altogether untrue; but its impossibility is manifest on the face of it: for if Mr. Buckingham was so destitute then as to be unable to pay his portion of these "trifling expenses" of a journey of seven days, or to raise ten dollars without borrowing it from Mr. Bankes's servant, how could he afterwards defray his expenses of a journey over-land to India, occupying as many months, and costing nearly £400 sterling, which no one denies that he *did* perform, or that this sum was expended on it?

(60) No such admissions were ever made, on the contrary, these assumptions have always been denied.

(61) This is also untrue. Mr. Burckhardt's most friendly letter, already quoted, was written in December 1815. Mr. Buckingham and Mr. Bankes met together at Jerusalem in January 1816, only a month afterwards; and Mr. Buckingham knew nothing of the change in Mr. Burckhardt's mind till the March 1817, more than twelve months after his parting with Mr. Bankes in Syria. All this is clearly and distinctly proved in the Appendix to 'Travels among the Arab Tribes,' so long in Mr. Garney's hands, and used by him for reference in court, while he was uttering the very speech now before the reader; but it was not convenient for him to remember it.

(62) Even this is also untrue. It was in March 1817, that Mr. Buckingham, being then in India, first knew of Mr. Burckhardt's change of opinion towards him; after which, believing him to have been misled by others, and still capable of being reclaimed from his error, he wrote him a friendly letter of explanation and remonstrance, dated Bombay, March 30, 1817 (an entire copy of which will be found in the Appendix so often referred to, at p. 634); to which he, about a year afterwards, about March 1818, received an answer, adding insult to injury. In June 1818, Mr. Buckingham arrived in Calcutta; and in October of the same year published the advertisement or prospectus of his 'Travels in Palestine,' in which the name of Mr. Burckhardt is thus introduced:—"I met my *former* friend, Mr. Burckhardt, a third time at Cairo, on the point of setting out, as we then thought, for the interior of Africa. My stay in Egypt was very short, however, on this occasion." These are the exact words of the prospectus or advertisement held in Mr. Garney's hand, and, at his suggestion, not read to the court, because it was an advertisement of four columns! There were better reasons than its length for not wishing to have it read; as this phrase, "*former* friend," would have shown clearly that it was not pretended to call Mr. Burckhardt a friend *at the moment of writing*, and with the knowledge that it was otherwise. If his name had been merely mentioned as a person met with in Egypt, there might be ground for imputing intentional concealment of any

knowing Mr. Burckhardt, (63) and who would show their respect for the memory of Mr. Burckhardt by assisting the man whom that excellent man had thought deserving of his friendship and esteem, Mr. Banks thought himself bound to state to Mr. Buckingham, that of which Mr. Burckhardt was at the time well aware---namely, the alteration of Mr. Burckhardt's opinion of Mr. Buckingham. I shall show you, Gentlemen, that what Mr. Banks has stated about Mr. Burckhardt was not stated without sufficient proof. Mr. Burckhardt, who was a gentleman of the most unquestionable honour and integrity, so far from having concealed the alteration in his sentiments respecting Mr. Buckingham, has expressed it in more letters than one. (64) Gentlemen, I shall place in your hands three letters written by Mr. Burckhardt, which, I feel convinced, will satisfy you that Mr. Banks's statement respecting Mr. Burckhardt's opinion is fully borne out. In one letter, dated "Cairo, 28th June 1816," (65) Mr. Burckhardt thus speaks of Mr. Buckingham: "As to Buckingham, he is a most barefaced impostor and swindler. I have left a letter stating this, and, if ever I should meet, I shall say as much to himself; and, therefore, have no objection to your saying that I have ceased to be his friend." In another letter, dated "Cairo, July 15, 1816," there is the following passage: "As to what regards my opinion of Buckingham, it remains unaltered; and his late proceedings in Syria to his employers have made him forfeit the least title to my esteem." In another letter from Burckhardt, dated "March 28, 1817," Mr. Buckingham is thus spoken of: "I have had no news from Syria for some time. Mr. Buckingham has gone from thence to Persia, having given a complete slip to his employers." Those extracts are, in my mind, sufficient to prove that what Mr. Banks stated in his letter in this respect, had been written by Mr. Burckhardt, and publicly stated by him to every European whom he had met in the East.

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personal differences; but to call a man one's *former* friend is as clear an indication as could well be given of his not being at *present* entitled to that appellation; and this was its undisguised meaning.

(63) The book was advertised for sale in India, where subscriptions to it were alone invited, and where there was not a single individual in the whole country, as far as was then known, to whom even Mr. Burckhardt's name was familiar; as he had then neither written nor published any thing, and he was a stranger to India, and generally to Europe also.

(64) Whether Mr. Burckhardt was a person of honour and integrity may be best judged of from this fact, that, *at the very moment* when he confesses, in one of his slanderous letters, that he was endeavouring to get at the bottom of Mr. Babington's opinion of his fellow-traveller, Mr. Buckingham,—at the very moment when he was concocting materials for his subsequent calumnies, that is, in December 1815, he wrote (while Mr. Babington was in Cairo with him) the most friendly letters that could be penned to the very individual he was secretly suspecting, and seeking to justify his suspicions by extorting from Mr. Babington confidential conversations, which he afterwards wilfully and knowingly perverted to serve his malignant purpose. If, therefore, he did not conceal his hatred of Mr. Buckingham from others, he concealed it from Mr. Buckingham himself; and wrote him in the most enthusiastic terms of affection, while he was sharpening the dagger by which he was about to stab him to the heart!

(65) Let the dates be particularly observed. Mr. Banks's assertion is that Mr. Buckingham, in *January*, 1816, pretended to enjoy the friendship of Mr. Burckhardt, well knowing that, both *before* and *at* that time, Mr. Burckhardt had expressed for him his hatred and contempt. Mr. Buckingham proves by a letter dated December 1815, only one month before his meeting with Mr. Banks, the accuracy of which is corroborated by Mr. Babington's testimony, that Mr. Burckhardt was *then*, professedly at least, his warmest and best friend. Three extracts of letters are now adduced by Mr. Gurney, one bearing date *June* 1816, another *July* 1816, and a third *March* 1817, respectively five, six, and fourteen months *AFTER* Mr. Buckingham's meeting with Mr. Banks,—to prove that *at the time* of that meeting, *January* 1816, the friendship professed by Mr. Burckhardt did not exist! The very reason assigned for this change of opinion ("his late proceedings in Syria,") must be conceived strong proof that, on his first entering Syria, six months before this letter was written, the change had not taken place. These proceedings were, no doubt, unpleasant to Mr. Burckhardt, because they

With respect to that part of the letter which states that Mr. Baikes will make Mr. Buckingham's character as notorious in England as it was in Egypt, and Syria, I shall prove to you that Mr. Buckingham's character was notorious in Egypt and Syria—I shall prove to you that his character in those countries was that of an impostor, who was going about the country introducing himself to several persons as the friend of Mr. Burckhardt. (66)

With respect to this question in a pecuniary point of consideration, I again repeat, that it would not be worth while to incur the expense of bringing witnesses from Syria; but Mr. Banks, Gentlemen, does not take that view of the question. He stands here before you to verify, after a lapse of some years, what he has written in a distant country; and I appeal to you, Gentlemen, whether when a gentleman who, like my client, giving up all the comforts of his home and the pleasures of his youth, has spent his early years in traversing countries which have been for ages in a state of barbarism, with the laudable expectation of promoting the advancement of literature and science, his indignation was not pardonable, when he found that the plaintiff, who had accompanied him under the circumstances already mentioned, was about to avail himself of the information derived from that journey, and to lay it before the public as the result of his own important discoveries and observations (67)

With these observations, Gentlemen, I shall leave the case in your hands, fully satisfied that you will do ample justice between the parties.

thus Mr. Buckingham on *his* holy ground, as he had already been thrown on Mr. Banks' sacred territory; but Mr. Burckhardt, not satisfied with being angry at this, raked up all imaginable accusations as to matters of which he could have had no knowledge, to blacken the character of one who had dared to tread on the soil he had hallowed by his footsteps. All this would seem incredible to a person who had not had fatal experience of its truth; but it is, nevertheless, undeniable; and, as an appropriate though melancholy testimony to this conspiracy of learned men against the private character of an individual, of whose public tribunes they were judges, came a writer in India, constantly asserted and generally believed to be a Presbyterian divine, who, when refuting the calumnies of these Syrian travellers in the "John Bull" of that country, under the assumed title of "A Friend to Mr. Banks," avowed, that his principal reason for endeavouring to blacken Mr. Buckingham's moral character was, by undermining his reputation, to weaken the influence of those political doctrines, arguments, and principles, which he admitted *did* derive weight from the character of him who supported them, and to weaken the force of which was his only object in making that character as odious as he could do in the eyes of the world! These are the men of "ancient family," of "splendid fortune," of "unquestionable honour and integrity"! and these the deeds by which they maintain their reputation!

(66) Whatever notoriety Mr. Buckingham's character might have obtained after he left those countries, was the sole work of those moral assassins, who could stab their victim behind his back, and proclaim him as infamous to the world, before they dared to show their aspirations to himself. But in no one instance whatever *did* he derive, or *could* he have derived, any benefit from being considered the friend of Mr. Burckhardt, nor was this ever urged as a passport to any man's favour or aid.

(67) Supposing this to be even true, the best revenge that could have been taken by Mr. Banks upon his enemy would have been this.—He sees, in June 1819, an announcement of Mr. Buckingham's intention to publish a book of Travels, the prospectus of which extends over nearly twelve months in point of time, and all the way from Cairo in Egypt to Calcutta in Bengal, in point of space, seven days and about one hundred miles of which were passed and travelled in his company. What so easy as for him either to repair himself to England, or send his materials there, without coming home himself, as Mr. Buckingham had done, publishing *his* Travels also, and letting the world judge between himself and his supposed rival? Mr. Banks had been travelling for as many *years* as Mr. Buckingham had passed days in his company, Mr. Buckingham had also been a voyager from his infancy. Could this little

\* See Appendix to "Travels among the Arab Tribes," p. 666, where this atrocious avowal will be seen at full length.

EVIDENCE FOR THE DEFENDANT.

At the desire of Mr. Guiney, the clerk read the directions on the margin of the plates given up by Mr. Murray to Mr. Bankes, in Mr. Buckingham's handwriting, already repeated in Mr. Guiney's speech, for the purpose of making them evidence. (67)

THE LORD CHIEF JUSTICE (after looking at the two drawings).—If you compare these drawings with Myers's, it is quite clear that they are copied (68).

MR. BROUGHAM.—Certainly, my Lord; we do not deny it.

THE LORD CHIEF JUSTICE.—Are these drawings in the printed book?

MR. GURNEY.—No, my Lord, Mr. Murray omitted to return them.

speck of seven days, in the gut map of life, man and blot all that had ever before or since been imprinted on it! But Mr. Bankes not only did not do this—he has not even published a line of his Travels since, though eleven years have elapsed since Mr. Buckingham and he were at Jerusalem together,—though he has health, fortune, leisure, and, till lately, all the treasures of the University of Cambridge, several hundreds of its learned associates, and all the materials of the British Museum at his command, while Mr. Buckingham, as the world now well knows, has been in one constant sea of trouble, into which Mr. Bankes's columns were the first to plunge him, from that hour almost to the present. But his moral triumph has been achieved at last, though purchased at a price, in labour, agony, and bitterness of heart, which no man, who ever felt these pangs through seven long years of endurance, and could foresee their protracted misery, would consent to pay even for life, and all the pleasures that existence could yield to the most happy of created beings.

(67) To show the entire good faith observed in making even these slight alterations of figures merely, on the engravings in question, which had at the bottom of each on the one side the words "*Drauen by Casas*," and on the other, "*Engraved for Buckingham's Travels in Palestine*," the following additional notes, written on the margin of the plates in pencil, and *not* read in Court, because they did not so well suit Mr. Gurney's purpose, are here introduced:

NOTES ON THE ENGRAVINGS.

1. *View on the Coast between Tyre and Acre*.—The ships and vessels are very bad, and the running figures on foot also. Horsemen on the plain would be more characteristic, and should be introduced.

2. *Mountain of Precipitation, near Nazareth*.—This is accurate, except the figures, which are all bad, and too full of motion. A group of three in the dresses of the country to be introduced near the cave.

3. *View of Jerusalem, from the Mount of Olives*.—All this is exceedingly faithful, including even the figures.

4. *Gravdo of the Apostles, near Jerusalem*.—The figures here are all too stout, particularly about the arms and legs. The dress is accurate, except the sandals, which accurately worn, and then come over the foot only, without going over the leg. The sword of the sitting figure is too large, as well as the ball of the pipe of the standing figure—all the rest is accurate.

5. *Tomb of the Kings at Jerusalem*.—The two figures on the right are good—the one on the top too stout about the legs, as well as the descending figure. The sword is much too broad, is not curved enough, and is on the wrong side, and the sandals should be confined to the feet of both, and not be bound over the legs.

6. *Tomb of Absalom*.—In the two figures on the right, the peaked bonnets in the centre of the turbans should be made flat. The two figures on the left should be omitted altogether.

7. *Cana of Galilee*.—Here every thing is characteristic, except the sandals, which are never worn as represented—the people here should be all bare footed—and the little boy be omitted altogether: but all besides faithfully copied.

7. *Interior of Jerusalem*.—The whole of this is accurate and unexceptionable, except the peaked tops of the turbans, which should be made flat.

(68) The two drawings from Myers's *Views in Palestine* were not given in the printed work at all; but they were never intended to be given as *originals*—they were the two out of thirty subjects for vignettes at the heads of chapters, returned by Mr. Murray, and acknowledged in the preface of the work, so that, if they *had* even been published, there was no pretension of their being originals, either in the drawings themselves, or in the text of the travels.



Mr. GURNEY directed the clerk to read the written deposition of Mr. Briggs, who had been, some months before, examined on interrogatories, as he was then about to leave England.

Mr. BROUGHAM.—We must first know whether Mr. Briggs is not here to be examined in person.

Mr. GURNEY.—We have the admission of your attorney that he is abroad.

The Clerk then read the admission of the plaintiff's attorney to the fact that, on the 7th of January, 1855, Mr. Briggs was beyond the seas.

The LORD CHIEF JUSTICE.—That is sufficient. (70)

The Clerk then read the following depositions of Samuel Briggs, in answer to interrogatories:

"First, That he is a partner in the house of Briggs and Co., at Alexandria, in Egypt, and Briggs, Brothers, and Co., in London. Examinant's firms carry on business both in London and Alexandria, in Egypt, but have no connection with each other. The house in Egypt has been established twenty two years, and that in London fifteen years."

Mr. PEARSON here requested that the answer to the fourth cross-interrogatory might be read, by which it would be seen that Mr. Briggs was not, himself, in Egypt at the time of the plaintiff's leaving that place, in December 1815; not having arrived there until more than two months afterwards, in 1816, and that, as, from this admission, it was clear he could have no knowledge of the facts, but such as he might have gathered by hearsay from others, his depositions could not be received as evidence.

"Fourth, That he hath resided in Egypt from the year 1802 to the year 1807, when he quitted the country, and returned in 1809, and quitted it again in the year 1810, and returned in 1816, went to Bombay in 1817, returned to Egypt in 1818, quitted Egypt in 1819, and has not returned there since. During some part of the above mentioned period, he has passed some months at Cairo, and elsewhere, in Egypt."

It was admitted by the LORD CHIEF JUSTICE, that the transactions not being known to Mr. Briggs, but by hearsay sometime after the occurrence, his depositions to such knowledge could not be received in evidence. They were accordingly discontinued. (71)

*Antonio Da Costa examined by Mr. Parke.*

This witness was a Portuguese. He sometimes answered the questions which were put to him, in English, but more frequently required the assistance of an interpreter, who, however, did not appear to be very competent to the task which he undertook.

Were you in Mr. Banks's service when he travelled in Syria?—Yes.

How long were you in his service?—Seven years and a half.

When did you first enter his service?—In Portugal in 1813.

Did you go with him into Egypt?—Yes.

And into Palestine?—Yes.

Were you with him at Jerusalem?—Yes.

Do you recollect where you first saw Mr. Buckingham?—In the convent at Jerusalem.

(70) The admission that Mr. Briggs was beyond the seas was dated nearly two years ago, when the trial was expected to be brought on, and when he *was* actually on the Continent, but he had been in England almost ever since, and was served with a subpoena in London but a short period before the trial, but it was not convenient for him to attend, and a letter, dated on the 15th of October, and received by the solicitors through the twopenny post, stated him to be on some part of the Continent again. The benefit of his oral testimony was therefore lost to both parties.

(71) The other party had had abundant opportunity of availing themselves of Mr. Briggs's personal attendance, as he had avowed himself in these depositions to be a friend of Mr. Banks, and to have had private and friendly communications with him by letter and other wise. His non-appearance, therefore, could not be considered a benefit to the plaintiff.

Where was Mr. Banks at that time?—On the Dead Sea.

Did Mr. Buckingham give you a letter for Mr. Banks?—Yes.

What did he say when he gave it you?—He asked me to be so kind as to deliver it.

Did he say where he came from?—Yes.

Where was it?—From Nazareth.

Did he say that he had been in Egypt?—Yes.

Did he mention the name of any person with whom he was acquainted there?—He said that Sherkh Ibrahim had recommended him. (72)

Did he mention any other person?—No.

Did he not mention the name of Colonel Missett?—Yes. (73)

Did you deliver the letter to Mr. Banks?—Yes.

What became of it?—Mr. Banks read it, and then tore it to pieces. (74.)

Had Mr. Banks made preparations at that time for his journey to Jerash?—He had an Arab with him.

Had he then made a bargain with Mahomet Mehedy?—I do not know.

Did Mr. Banks come to Jerusalem with Mahomet Mehedy?—Yes, from the Dead Sea.

Did Mr. Buckingham afterwards make application to Mr. Banks in your presence?—Yes.

Where was that?—In Jerusalem.

What did he apply for?—For Mr. Banks to let him go with him to Jerash?

What did Mr. Banks say?—That he did not like company.

Did Mr. Buckingham again make application?—Yes, for two or three days before Mr. Banks gave his answer. (75)

What did you hear Mr. Buckingham say—as to what capacity he would go in?—After some time, Mr. Banks promised him that he should go, but said that he should not draw or write. Mr. Buckingham said he would not—that he wanted to go for pleasure, not to write. (76)

Did Mr. Banks, before Mr. Buckingham made that promise, make it the condition of his allowing Mr. Buckingham to go with him?—Mr. Banks put that condition upon it. (77)

(72) The improbability of this will appear from the following simple fact, that the route originally marked out for Mr. Buckingham was to land at Beirut, and go from thence to Aleppo; and this being known to Mr. Burckhardt, his giving Mr. Buckingham a letter of introduction to Mr. Banks at Jerusalem is as unlikely as that a person going to Dublin, on his way to the West Indies, should take letters of introduction to a person in Edinburgh.

(73) This is a singular failure of memory, and as quick a recovery of it, especially as relating to two names so constantly associated in all that has been written and said on this subject.

(74) This, supposing it to be true, is, to say the least of it, no strong evidence of Mr. Banks's courtesy; and especially when applied to the letter of a person he himself had invited to join him. But no such letter was ever written, and the "tearing it to pieces" is, therefore, wholly imaginary.

(75) Let it never be forgotten, that Mr. Banks himself describes no such importunity, though his great object was to show Mr. Buckingham's obligations to him. He distinctly says in his libellous letter to Mr. Burckhardt, "It was at my invitation that you went with me." His Portuguese servant states the direct contrary. Which of them is most worthy of credit?

(76) Mr. Banks, on the contrary, says, that the express engagement entered into by Mr. Buckingham in this pretended compact was, that he should write, and keep the journal of the route, whenever he, Mr. Banks, should wish it. The servant says he agreed neither to draw nor write. Which of these is likely to be most correct?

(77) The condition is in itself most improbable and absurd, even had it not been refuted by other evidence; but a person who could propose such a condition must be the greatest monopolist ever yet heard of: for such conditions would go to prevent an individual from using those faculties of observation which no master denies to his servant, or even a West India planter to his slave. Besides which, to be of any use, the condition should be that the individual should not even remember what he saw, or even mention it at any future time to others! As one of the imputations made by Mr. Banks is, that Mr. Buckingham was utterly

Did the parties set out on the journey?—Yes.

Did you accompany them?—No.

ignorant of the commonest points of architecture, and the declaration of Mr. Banks's servant is, that Mr. Buckingham engaged not to write at all, this seems the proper place to introduce at length the longer letter of Mr. Banks, preserved by the melting of the wax before described, which is full of architectural description and disquisition addressed to his "ignorant" fellow-traveller, and which contains a distinct acknowledgement of Mr. Banks's having seen and read those very written notes, which Da Coste declares it was a condition that Mr. Buckingham should not make! The letter, and the remarks which follow it, were published originally in the 'Calcutta Journal' of 1822, and re published in the Appendix to 'Travels among the Arab Tribes,' p. 643

"To J. S. Buckingham, Esq. to be forwarded, should he be on his way to Baalbeck.

"Damascus, April 12, 1816.

"MY DEAR SIR,—Since I knew nothing of your illness until now, when I hope it is quite at an end, I can only rejoice in your recovery. At the same time, I am afraid that the same wintry weather which has distressed me very much in the Hauran, must have made your passage across the mountains very disagreeable, if not dangerous. I have to regret that my letter from Sunnymaine never reached you, as I there detailed to you my plans, and mentioned that I wished our meeting at Baalbeck to take place a few days later than that which we had fixed on together. None can be better than about the 19th or 20th. The intense cold, with storms of rain now, prevented my penetrating from Salikhud to Oerman, and even to Oomyd-gemel, which, in spite of all objections and difficulties, I was much set upon; however, in some directions, I have extended my researches considerably farther than you did. I visited El Koflor, which does not deserve its reputation. It is a town, where there is a temple; Shakkah, where there are some interesting early Christian antiquities, and a curious tower with inscriptions; Hayta, where there is one of the most unintelligible buildings in all the Hauran, that seems to have been, as I should conceive, a sort of college for priests, and some of the best specimens of private houses. Amrah is full of inscriptions, chiefly Christian.

"At ———\* is a temple of the time of the Antonines. At Shaarele, in Lejha, I found little to interest me, there is a small Roman bath. At Medgdel is by far the most entire of all the temples. Its architecture is (like all the rest throughout that country, so far as I saw it) of a very bad sort, with high-stilted pedestals, and loaded with unmeaning ornaments. But it is curious as a specimen, and full of Greek inscriptions. The prettiest temple in the Hauran to my mind is a little one that wants little else besides its roof, at Sunnymaine; it makes no figure upon the exterior. Some of the towers there also are very interesting, but less so than that at Medgdel, which you must have seen. Of private houses I saw several far superior to that at Ezra. I was carried into one at Bostra, where there are Ionic columns and pilasters all round the principal apartment, and a lesser one with a smooth ceiling and arched above within it. There is another excellent specimen in a ruined village called ———, near the road from Shibley's village. \* To Bostra, with two or three stories, and several at Hayt. There is quite a mansion at Medgdel, with ornaments in all the angles of the ceilings, and the masonry all wrought smooth. There is a good one, too, at Nedjerawn. Did you observe the theatre at Soayda? It is pretty large, and much ruined, and faces towards the great church to the north. The temple there is Roman past all dispute, but of the worst times. I am surprised at any thing so bad before the Nisan era, or rather, I mean, before Christianity became the established religion of the empire; for a temple it certainly was, and not a church.—At Bostra I think you are mistaken in supposing that the theatre consisted in only seven or eight ranges of seats. It is true that those we see are the uppermost; but there are two, if not three stories of high arched vaults below, of Saracen work, which occupy the height of at least two more flights of seats (which are even visible in many places), and the scene consisted in three, if not four orders of architecture, one above the other, of which there is ocular demonstration, that irregular Doric order which is visible being the uppermost range. I will demonstrate this to you from my plans.

"Now, from a general view of the architectural remains of the Hauran, &c., my opinion is very decided, that there is nothing to justify an opinion that any of it belongs to a period more remote than that in which it became a province of the Roman empire. As to the temples and larger buildings, there cannot remain a doubt upon any body's mind that is conversant with antiquities, the same applies to the theatres and the baths. With respect to the private dwelling houses, we have less means of comparing them, but the inscriptions fix the æra of many of them, and wherever there is any ornament, it is purely Roman, or corrupted from the Roman, and precisely such as occurs about the temples or early Christian churches; the best of all the private houses having its roof supported on a row of debased Ionic pillars, not to mention the arch, which occurs almost universally, and is in itself a sufficient objection to any higher antiquity being assigned to these buildings. It is true, that private dwellings must have existed previous to the Roman conquests, and, from the nature of the materials, might, and may exist to this day; but when we find that we must exclude from the number all where

\* "These three instances of names being forgotten altogether, as the spaces are blank in the original, and one name first written *wrongly*, and subsequently corrected by *another*, being written over it, are selected as proofs that the writer of the letter, Mr. Banks, did not take notes on the spot in his tour; because, if he had done so, such omission and mistakes, in such important points as *names of towns*, could not have occurred.

Who went with them?—Mahomet, the servant who came from Egypt, Mahomet Mehedy, and Mr. Buckingham.

the arch occurs, or where there is any ornament or inscription (generally speaking), by far the greater number, and the best specimens must be struck positively off the list, and a few huts and hovels only will remain, which may be pretty near the truth. It is most probable to suppose, that the Romans introduced into these countries a more spacious and commodious mode of building, adopting, from the natives, a mode of construction which necessity (from the total want of timber) had originally taught them.

"After all, upon reflection, the decision which I have come to upon this point (and in which I have not found any thing to shake me), does not diminish the interest which these antiquities ought to excite. With the single exception of Pompeii, where shall we find the private dwellings of the Romans? We have them here in infinitely greater numbers, still habitable or inhabited, closed by their original doors, and sheltered by their original roofs, and the horses eating out of the same mangers as they did sixteen hundred years ago. As for the towers, they were sepulchral, and are to be referred to the same time (I mean the earliest of them). You will find that they are exactly similar to those about Palmyra; and though the form of a tower seems oddly chosen for a place of interment, it was a favourite one with the Romans, who, in their own country, and about their capital, seem generally to have preferred a round form, like the little one outside the great gate of Bostra. Their mouldings and cornices are purely Roman, and every thing tended to confirm me in my first conjecture, with the exception of the single circumstance, that these towers are often found within, and in the very heart of the villages (though, certainly, often about the skirts of them). But even this difficulty was removed by the sight of those at Nedjettann — \* Medgedel, which have set the matter past a doubt in every respect. The sarcophagi there, in both instances, remain in their places; and on the one we read the names of the persons that occupied them, with the additional circumstance that they are of Christian times. And, as if it were on purpose to obviate every possible objection of the tower having been converted to this purpose after the act of its construction, we have the same ornament repeated from the part of the sarcophagi upon the ceiling, and the whole taste and style corresponding throughout. These towers at Medgedel are as much in the heart of the village as any whatever, so we have no alternative, but to suppose either the other buildings posterior, or that in the Haman, contrary to the usual practice, they did bury within the towns. At Shekkah there is another of these towers, standing detached in the field, that seems, from some long poetical inscriptions, to have been the burial place of the family of Bassus, whose name occurs often in the inscriptions of the Haman. The bones of him and his family have been rooted up, and are lying scattered at the door of the tower. What strikes me with surprise is, that in many of these towers I could discover no means of getting at the upper stories. I envy, perhaps, had it explained at Palmyra, which will furnish the best commentary on them. Of the pointed arch, which occurs frequently, I know not what to think: that some are very ancient I am satisfied, and that most of them are to be referred to Saracen times or since. But my chief difficulty occurs in having found them in several large Christian churches, which can hardly be supposed to have been erected subsequent to that era, and still less by that people.

"As for the castle at Saikhut, I am satisfied that it is a Saracen work altogether, and no part of it, as it now stands, Roman, or of any higher antiquity. The very circumstance of the manner in which older inscriptions and ornaments are found patched into it, whilst it is proof that something did exist here previously, puts it past a doubt that the present is not a fabric of those times, but is to be referred to the period of the great Arabic inscriptions that are carried in bands round it. The grandeur and solidity of its construction form no objection, when it is observed that the castle at Bostra, which, in the general plan, it resembles very much, is fully equal to it in this respect, which, from being grafted on the ruins of a noble Roman theatre, sufficiently determines its own era, without reference to the inscriptions that abound upon it. I do not know whether, in the hasty view you took of Saikhut, you examined this tower. You would, I think, have observed that the houses there are apparently of a less remote antiquity, and of a worse construction than usual, and the mosque entirely of Saracen work, with *its niches in the minaret*. By the bye, from the description in your notes of the fortifications of Adjeleeb, I am almost persuaded that that also is a Saracen work (Bostra, you will remember, has the rustic masonry all over it, and instances of the tower *shall not be without number*), though I know you are of a different opinion, and I will not venture to set mine against it. I found an interesting little spring in a valley not far from Saikhut, to the N.W., over which there has been a rich little temple, and an inscription of the time of the emperor Gordian. I have been careful and exact in my drawings, which are in great number, and I do not think you will be ashamed of having your name associated to what I may one day or another throw together into form. Do me the favour to keep this letter, not for your use, but my own; you know how indolent I am about writing, and I have thrown here many things upon paper, which I may, perhaps, never do again.

"I shall set off the day after to-morrow for Baniyas, and so make my way to Baalbec, when I hope to join you about the 19th or 20th.

"Faithfully yours,

"WM. JOHN BANKES.

"Remember me kindly to the Doctor.

"Enter old Chabocau and the toast-eater!" so adieu."

\* See note in preceding page.

What did Mahomet, the servant, carry with him?—(Although this simple question was repeated two or three times by the Counsel, the witness could

" I have printed the foregoing letter in its complete and perfect state, as it was insinuated that it might contain some account of my notes, which Mr. Bankes professes to have seen, being *went to him* by letter, so as to invalidate, if possible, my assertion of its relating to his inspection of these notes at the time of our meeting in Damascus. The account of that meeting, on the 23d of March 1810, has been already given in illustration of the 4th head of the charges enumerated; and the parts of this letter which speak of my notes on Adjeleoon, of my joining my name to that of Mr. Bankes and Mr. Burckhardt in a joint publication, &c. all relate to this meeting, as may be seen by comparing them together. His compliments to my superior understanding, and his hope that I should not be *ashamed* to see my name associated with his, may not have been deserved; but it is certainly not from *such* a quarter that one would expect to be soon afterwards set down as ignorant, and incapable of making any notes worth publication! Such is the virtue and consistency for which rank, family, and respectability of connections, are considered guarantees.

" I am almost ashamed to dwell longer on this subject, but I hope the reader will grant me a few moments' patience, while I show what was my conduct towards Mr. Bankes during the period that he was slandering me. I had sent him home plans and manuscripts of my own, respecting Nubia, from Bombay, to use as he thought proper, without asking even an acknowledgment. I had written him, also, several of the most friendly letters from Ceylon, Madras, and Calcutta, some of which must have reached him. His insulting letter to me from Thebes, was dated June 1810. In August 1810, I was occupied with the most friendly intentions to him, in utter ignorance of what awaited me. My friend, Captain Cloete, of the King's 21st Dragoons, left Calcutta about that period, with the intention of going to England. Among other persons there, to whom I was desirous of sending letters by his hands, was Mr. Bankes. I accordingly gave him the following letter open, with directions that, if he should remain at the Cape, which he thought possible, he should seal it, and enclose them all to Mrs. Buckingham, who would forward them to their respective addresses.

" The following is the letter which I addressed to Mr. Bankes, supposing him to be in England, just two months after his insulting and infamous letter was despatched from Thebes to me in India, but long before it reached me, as that was twelve months on its passage here:—

" To W. J. BANKES, Esq.

" Calcutta, August 1, 1810.

" MY DEAR SIR,—I have written to you several times since my arrival, or rather settlement in India, but as I have not heard from you in return, I suppose that some of the letters, at least, must have miscarried; which I can the more readily believe, from knowing how carefully every thing connected with the Indian post office is managed.

" The object of my present letter is, partly, to make you acquainted with a gentleman in every respect entitled to your regard, and partly, through him, to say something to you respecting myself, as I naturally believe that it is impossible for men to have passed through scenes which we shared together, and soon after entirely forget each other. I can very safely say that such is not the case on my part, and I am willing to do you the justice to believe it is not so on yours.

" Captain Cloete, of H.M. 21st Dragoons, who will have the honour to present you this, is one of my most intimate and familiar friends, and will give you every information regarding my present occupations and pursuits that you can desire to know; and at the same time that you may gratify your wish in this particular, you will, I am sure, be delighted with the channel through which it is effected. You will, long ere this, of course, have seen the prospectus of my book, and have heard all the particulars regarding it from Mr. Murray. If it had been possible to have formed the coalition which we talked of at Damascus, and which Sheikh Ibrahim so indignantly rejected, I should have been much pleased, and the union of our separate labours would have made a more perfect work than either will make alone. I had been led to expect, from some mention of your name in the 'Quarterly Review,' that a work of your own was in the press, and would very soon appear; I hope so, indeed, for the gratification of the world at large, and more particularly that portion of them who desire to be possessed of the best information regarding the most interesting countries on the globe, which you will have it in your power to write so ably, and illustrate so beautifully by the masterly efforts of your pencil. I sent you home by the *Swallow*, from Bombay, upwards of fifteen months ago, the plans and descriptions of the temples in Nubia, to incorporate with your own work, as I had promised to do; but I have not heard of their arrival, though the ship, I believe, got safe, but has not returned, as far as I can learn, to this country. They were addressed to you, in Palace-gard, Westminster, where I supposed they would reach you; and, if they have, I hope you will make free use of them.

" A subject that presses very deeply on my mind, is the injury done to me by Mr. Burckhardt, whose good opinion I once enjoyed to a high degree, as you are aware, and who, all at once, almost without deigning to assign a cause, not only changed his sentiments towards me, but became my bitterest enemy, by giving publicity to distorted facts, positive falsehoods, and wilful misrepresentations, tending to undermine my reputation. It fortunately happened however, that Mr. Babington, the companion of my voyage from India, whom Mr. Burckhardt cited as his authority for many of the facts alleged, saw this paper, and instantly wrote a very full and able refutation of the charges laid to my name by the Sheikh, copies of which have

not understand it; and the interpreter was obliged to explain it. This circumstance, it will be seen, was afterwards remarked upon by Mr. Brougham.)—He carried a portfolio, a tin case for drawings, paper, and compasses.

Were those Mr. Banks's?—All.

Did you observe whether Mr. Buckingham had any portfolio or paper for drawing?—Nothing of the sort. (78.)

Did you keep Mr. Banks's money?—Yes.

Where was it placed?—In a bag.

Had Mr. Banks any money with him?—He had some money in his girdle. (79.)

been sent to England. This gentleman, however, who is the son of Dr. Babington, a physician of some eminence in the city, is fortunately now in London, and is able to repeat verbatim, as well as by writing, the malicious accusations of my enemy. It is possible you may have met with Mr. Babington before this, but if you should not, and I desire to be set right on the subject, I should rather refer you to that gentleman, who was my fellow voyager for six months, than urge any thing on my own part in explanation or reply.

"I have reason to believe that my wife and children are in your county, at Chatham, in Dorsetshire; my daughter Virginia being with Mrs. Corbyn at that place. If it should be near Corfe-Castle, or occasion should ever call you that way, it would give them great pleasure to see and know one who has shared the dangers and the pleasures of their best friend, more particularly as our journey was since I have seen them, having left England in 1813, and never had occasion to return to it since. I hope, and believe too, that you would find them worthy of your regard.

"I have heard from Lady Hester Stanhope, since my arrival in Bengal, and have written her by this occasion, as I suppose her ladyship will be in England when this reaches you. Captain Cloete will be able to tell you all about my present occupations and pursuits, which are necessarily unimportant, and may cease at a very short notice; but, as long as they last, they will entirely preclude the possibility of my attending to any thing for publication in England, should they cease, I shall have that as a subject to turn my immediate attention to.

"In such an event, however, I should certainly quit a country where fortunes are no longer to be made by a ten years' residence as formerly, but where, though the chances of gain are lessened, the certainties of evil from climate and society are, I should think, as great as ever, and repair to the re-enjoyment of my family and my native land.

"Under the hope that I shall occasionally be favoured with a line from you to hear that you are well, and happily occupied, I remain, my dear sir, faithfully yours,

"J. S. BUCKINGHAM."

"As Captain Cloete remained at the Cape, this was sealed by him, and sent on to England as directed. Mrs. Buckingham a cordingly finding on enquiry that Mr. Banks had arrived in town, enclosed it in a note to him as addressed, and, to her great surprise, received it back again by the post, with the seal unbroken, and enclosed in the following envelope:—

"Mr. William Banks presents his compliments to Mrs. Buckingham, and begs that the answer which he thinks it necessary to return to her note, may not be construed into any incivility towards her. Having determined that he will have no further communication with Mr. Buckingham, either by letter or otherwise, he takes the liberty of returning to her the enclosed, with a request that it may be transmitted to him unopened.

"Old Palace Yard, Tuesday, June 13."

"Was this the act of an innocent man? or was it not rather the sullen obstinacy of one who knew he had done wrong, and who would, therefore, hear of nothing which might relate to a person of whose very name, as well as letters, he had so much need to stand in dread? This is only of a piece, however, with the whole transaction, as showing that, in return for the kindest and best intentions towards these men, Mr. Bucknahl and Mr. Banks, it was my fate to receive, and their disgrace to offer, nothing but insults and injuries in return.

"This letter, with Mr. Banks's envelope, and Captain Cloete's seal, which has been verified at the office of Messrs. Palmer and Co., his correspondents here, are, with the rest, now in my possession, having been brought back from England with the various other papers and letters from thence; and add another link to the wonderful chain of evidence, by which this whole case is so strongly connected and held together."

(78) The charge of Mr. Banks is, that Mr. Buckingham wrote on the journey from his (Mr. Banks's) dictation, and also that Mr. Buckingham copied fair, for his own use, what Mr. Banks had written with his own hand. How could this be done without paper, or "any thing of the sort?" But Mr. Banks himself admits that Mr. Buckingham had a note-book four inches square; and, at all events, whatever materials he had for copying either drawings, notes, or plans, all of which he is accused of doing, would be quite sufficient for making such drawings, notes, and plans, originally, as well as for copying them.

(79) It will hardly be supposed that Mr. Buckingham could make a journey from Egypt to

How many Arabs came back to Nazareth?—Three.

Had Mr. Buckingham any servant with him?—None: he left him to go from Jerusalem to Nazareth.

Did you pay the Arabs?—By my master's order, I paid them 250 piastres. (80)

Were they taken out of the bag?—All.

Did you continue to keep the bag?—Yes.

Did Mr. Buckingham put any money into the bag?—Never. (81)

Did Mr. Buckingham ask you to lend him any money?—Yes; ten dollars.

India without having money too; for Mr. Bankes does not pretend to have paid more than the expenses of this seven days' tour on Mr. Buckingham's behalf.

(80) The amount of the whole disbursements always stated by Mr. Buckingham were 216 piastres; not far short of the amount here stated, of which he contends that he paid the half, and shows an entry, in an attested original book of disbursements, to the amount of 108 piastres, instead of one-fifth of the whole sum; which, as Mr. Bankes's party consisted of four, and Mr. Buckingham was alone, he ought only in fairness to have paid. The whole sterling value of this sum is, however, thus easily computed:—In the latest authentic work on Egypt, by Mons. Mengin, in treating of the land-tax in that country (vol. 3, p. 343), he gives this incidental explanation of the value of the piastre, where he says, "The contributions amount to sixty-six millions of piastres, which are equal to twenty millions of francs, or about £350,000 sterling."\* By either of these calculations the utmost sterling value of two hundred and fifty piastres would be just £3. 2s. 6d.; so that, supposing Mr. Buckingham to have paid actually *nothing* on this tour, and his full fifth were to be considered as still owing from him to Mr. Bankes (and nothing more could be claimed, because Mr. Bankes himself admits, in his own letter, that all the preparatory expenses were incurred before he even saw Mr. Buckingham, so that the addition to his party could have increased no other expenses than those of the road), even then, according to the highest estimate of Signor Antonio Da Costa, Mr. Bankes's purse bearer himself, this mighty debt due to the "descendant of an ancient house," and "heir to a splendid fortune," by one, too, whom he had *invited* to join him, would be the enormous sum of TWELVE SHILLINGS AND SIXPENCE!—or, taking the full half of the entire sum spent, it would amount to the appalling debt of ONE POUND, ELEVEN SHILLINGS, AND THREEPENCE STERLING!! Truly, this vast amount might, if distributed among a proper number of "Saving Bankes," at a farthing in each, and suffered to run on for a sufficient time at compound interest, realize the dreams of those who saw globes of solid gold, larger than the earth we inhabit, springing out of still smaller savings. What a nucleus of future treasure is therefore here wasted and destroyed!

(81) It was, perhaps, wise in him not to do so; for it might have been hard to get it out again when guarded by such a master and such a man. But the folly of the question, and the uselessness of the answer, must be apparent; unless, indeed, it be meant to say that no money would pass current but such as came out of this magical bag. Mr. Buckingham paid Mr. Bankes his *thirty-two shillings and sixpence*, not by putting it into his bag, but by giving it into his own hands; and his only oversight was, that he did not take a written receipt for the money. The following is a copy of the entry made of it at the time, and certified to be seen soon after in India, by the parties whose names were subscribed to it there.

\* *Extract from a small red memorandum book, containing an account of disbursements on a Voyage and Journey from Egypt to India by way of Syria, begun December 1815.*

February 5th, 1816.—Paid the whole expenses of our journey across the Jordan to Jerash, and return to Nazareth, including guides, provisions, &c. (my portion) piastres 108 0 0."

"We certify this to be a true extract from the original book of memoranda exhibited to us by Mr. Buckingham.

(Signed)	"C. D'OYLY,	J. CALDER,
	J. PALMER,	HY. CHASTENAY,
	J. YOUNG,	G. CHINNERY,
	J. MELVILLE,	P. M. WYNCH."
	JOHN YOUNG,	

\* See an article on the Agricultural and Commercial Resources of Egypt, in the '*Oriental Herald*,' vol. VII, p. 265, Note 10.

Where was that?—I said I had no money but my master's, and I would not give it without orders—he must ask Mr. Bankes.

Was that at Nazareth?—Yes.

Did you afterwards receive orders from Mr. Bankes to lend Mr. Buckingham the money?—I did, and gave him ten dollars. (82)

Did you see a little book in your master's possession at Nazareth?—Yes.

Look at that (handing witness a very small book, about two inches square.) Is that your master's note-book?—Yes; he brought it from Madrid.

Did you see it in Mr. Buckingham's hand at Nazareth?—Yes.

What was he doing with it?—He was taking a little copy from it on paper. (13)

Do you recollect Mr. Bankes preparing a plan after his return from Jerash?—Yes.

Can you identify it?—Yes.

Did you assist in pasting it?—Yes.

Did you afterwards see Mr. Buckingham copying the plan?—Yes.

Was he tracing the plan on the window of the convent?—Yes. (84)

*Cross-examined by Mr. Brougham.*

When did you leave Mr. Bankes's service?—In 1820.

Where have you been since?—In my own country.

Where did you leave him?—At Florence.

When did you come over here?—In August 1824.

And you have been here ever since?—Yes.

Have you been living with Mr. Bankes during that time?—Yes.

In his house?—Yes, and when he went into the country he took me with him to see the country. (85)

Were you ever in England before?—No.

Did Mr. Bankes and Mr. Buckingham speak in Italian to you?—Yes; Mr. Bankes spoke good Italian.

And Mr. Buckingham?—He spoke good Italian also.

Did Mr. Buckingham carry a travelling bag?—He had a sack.

You say that Mr. Bankes had that little book which has been shown you?—Yes.

Did you ever see any other book besides that?—No.

Mr. GURNEY.—Will you ask him, my Lord, whether he means at that time or during the whole of the journey?

By the LORD CHIEF JUSTICE.—Witness, you say that you saw that book at

(82) Even if this were true, which it is not, it ought to be shown, to be worth any thing, that these ten dollars were never repaid: but Mr. Bankes, who makes such an outcry about his thirty shillings, says nothing himself about the fifty, to which ten dollars would amount; and the world will judge whether he would be likely to pass them over without notice in Da Costa's account, or whether such a *large sum* as this would entirely escape his memory.

(83) Had this been even true, which it is not, it should be shown that this "little copy" from this "very little book" formed a part of Mr. Buckingham's published work, for that is the charge; and if this had been believed, the whole contents of this note-book, of which not more than twenty pages of two inches square were written on (the rest being all blank paper), might have been read in less than ten minutes; and the fact of some part of the printed book, now four years before the world, corresponding with these notes, been as easily shown. But it was not even insinuated, and therefore it may be concluded there was no foundation whatever for the charge.

(84) This fact has always been admitted, because it was done openly, with Mr. Bankes's knowledge and consent; the plan being, in truth, as much or even more clearly the property of Mr. Buckingham than of Mr. Bankes himself.

(85) This is a fact worth remembering: For this Portuguese witness and his companion, Mahomet, Mr. Buckingham has, for these last two years, been paying at the rate of about half-a-guinea per day; which, it is said, is not to be refunded, though their evidence has proved nothing (although an effort will be made to appeal to the court on this subject); while they were living in Mr. Bankes's house, and journeying with him on parties of pleasure to see the country!



Nazareth ; did you ever see any other book at any other time during the journey ?—Plenty. (86)

LORD CHIEF JUSTICE.—You have said that you heard Mr. Buckingham ask Mr. Banks to take him with him to Jerash. In what language did he speak ?—In English.

LORD CHIEF JUSTICE.—Did you *then* understand English ?—Similar to the present. (87)

LORD CHIEF JUSTICE.—Was it in English you heard Mr. Banks make the condition that Mr. Buckingham should not draw ?—Yes ; I had been in the service of an Englishman before. (88)

*Giovanni Benatti examined by Mr. Gurney, through the medium of the Interpreter.*

Were you in Palestine with Mr. Banks ?—Yes.

Did you go by the name of Mahomet ?—Yes.

Did you act as interpreter for Mr. Banks ?—Yes.

Did you go with Mr. Banks to the Dead Sea ?—Yes.

Were you with Mr. Banks when he engaged with the Arabs to guide him to Jerash ?—Yes.

Was it before or after this that you saw Mr. Buckingham ?—After.

Did Mr. Banks make a present to the Governor of Jerusalem for the release of the Arab guide's son, who was in prison ?—Yes.

What was the present ?—Some silver, and pearls for a necklace for a lady.

Did you go with Mr. Banks and Mr. Buckingham to Jerash ?—Yes.

Did you carry a portfolio and paper ?—Yes.

Had Mr. Buckingham any portfolio or paper ?—No. (89)

Did you see Mr. Buckingham write in any book at Jerash ?—I saw Mr. Buckingham and Mr. Banks writing in a grotto. (90)

Tell us what they did.—They sat down together, and made a design *together*. (91) Then Mr. Banks spoke, and Mr. Buckingham wrote (92).

Whilst you were on the journey, was any money paid for expenses ?—Yes, by me.

It is to be hoped that their *share* of these expenses will not amount to much, ' because even Mr. Buckingham's pay to them, liberal as it may sound, will hardly cover many excursions of pleasure in England, however ample it might be to defray the cost of such tours as that to Jerash, where bread, dates, milk, and water, formed the only food of the party for six days out of the seven.

(86) It would have been satisfactory to have seen some of these also produced.

(87) These expressions, which many persons were struck with when uttered, appear to have made a deep impression even on the Lord Chief Justice himself.

(88) This may or may not be true, but, even if the latter, it would prove nothing : for here, according to the witness's own confession, he had been in the service of Mr. Banks, an Englishman, for seven years, and could not now understand the plainest questions ; his previous service with some other Englishman could not, therefore, have been of much advantage to him, as far as the acquirement of the language was concerned. Ten years ago, at Jerusalem, however, neither he nor his companion appeared to understand a word of the English tongue ; and their slow progress since is tolerably good proof that they are not persons who could learn a great deal in a short time.

(89) The remark already made as to the pretended want of paper will equally apply here.

(90) This circumstance is sufficient to prove that there was no secrecy as to writing ; and that, if the parties were *both* writing in a grotto, they were each probably making his own notes or observations.

(91) This testimony, as to joint co-operation in the making the design, would alone establish the claim of joint property in the design so produced.

(92) This might be strictly true ; but it required to be proved, that what the one wrote was what the other dictated. One gentleman might be talking and another writing, even in the same grotto, and yet without the least connection between the words spoken and those committed to paper. To show that there was no concealment of this fact of their joint labours in the grotto from the public, when the book was sent to England for publication, nearly eighteen

Was any other money paid, except what was paid by Mr. Bankes?—No.

Do you know that little book? (the book before mentioned)—Yes.

Did you see Mr. Bankes writing in it?—Yes.

Did you see Mr. Buckingham with that book after you got back to Nazareth?—I one day saw Mr. Buckingham, in a room with Mr. Bankes, taking something from the book, on paper. (93)

months before Mr. Bankes's libellous letter reached Mr. Buckingham in India, the following passage may be extracted from the account of the visit to Jerash, given in the *Travels in Palestine*, at p. 347, quarto edition:—

"While the guides and our servants were taking some refreshment, Mr. Bankes and I ascended to a convenient spot, where we could both conceal ourselves from the passengers below, and while Mr. Bankes was employed in taking a hasty sketch of the whole view as it appeared from hence, I caught the opportunity of our throwing together the recollections of our route from Jerusalem thus far, as not a moment had yet offered itself, from the time of our leaving that city, in which it would have been safe to have written, or to have excited curiosity by the appearance of such unusual things as pen, ink, and paper."

(93) If Mr. Buckingham was *with Mr. Bankes* in the room when he took this "something" from the little book in question, there could have been nothing surreptitious or clandestine in this. Still, what that something was, or what use was made of it when copied, does not appear; and yet both were necessary to be shown, in order to substantiate Mr. Bankes's charge of having copied notes, and being about to turn them to account. This "little book" (and its extremely diminutive size well entitles it to the epithet) was examined, however, by a person in court, and out of the twenty written pages in it (the remaining portion being actually blank), not one of them related to Jerash at all, though the whole of Mr. Buckingham's account of that city, extending over sixty-three printed quarto pages, from page 312 to page 405, *must* have been drawn from Mr. Bankes's notes on it, if Mr. Buckingham kept no notes of his own; and the only note-book of Mr. Bankes's produced in court, was this two-inch square one, with about forty pages of paper, less than twenty of which were written on, and these containing no mention of Jerash, being apparently hasty memoranda of the road, after quitting the ruins of that city! As the detailed proofs of the notes of Mr. Buckingham having also been seen by Mr. Bankes, and carefully read by him, were not given at an earlier period, they may be introduced here, in the state in which they were originally published in India in 1822, and since in the Appendix before referred to—p. 624.

*Supplementary Letter from Mr. Buckingham to B. Babington, Esq. in London.*

*Calcutta, July 4th, 1820.*

"MY DEAR BABINGTON,—Since these letters and papers have been prevented going by the *Fame*, Captain Eastgate, as originally intended, as it was thought advisable to retain notarial copies of the whole, I shall add here, as a supplementary note, a very striking discovery, which has arisen in the course of inquiry. It is this:—

"It had been suggested to Mr. John Palmer, in the course of his conversations with others on this subject, that it was possible I might have concealed from Mr. Bankes the fact of my having visited Jerash a third time, or subsequently to our joint visit there, and that he being consequently ignorant of my having collected any materials in addition to those which we collected jointly, might have supposed that in giving an account of Jerash, I could only have made use of such information as I had acquired in company with him, which he, considering to be obtained through his means, would be borne out (consistently at least with that consideration) in condemning, as a breach of confidence, and an unwarrantable use of his or our joint materials, as exclusively my own.

"When Mr. Palmer waited upon me to ask me whether I possessed any means of removing this objection, I stated to him that I did not think I had any proof in *writing* of Mr. Bankes's having seen my notes, bearings, and traces of plans made in my *third* visit to Jerash; but that I had a perfect recollection of his having seen them, and of our conversing together thereon, both at Damascus and Aleppo, where we afterwards met. I was prepared to pledge my honour to this fact; but we both regretted, as every other point had been satisfactorily met by documentary evidence, that this could not be equally so.

"Just as Mr. Palmer was about to leave me, it occurred to my recollection, however, that in one of Mr. Bankes's letters to me in Syria, No. 2, dated at Damascus, April 27, 1816, in speaking of the ruined places of the Hauran generally, and particularly of the difficulty of deciding about Roman and Saracen fortresses, he says:—'By the bye, from the description in your notes of the fortress of Adjeleoun, I am almost persuaded that that also is a Saracen work (Bustra, you will remember, has the rustic masonry all over it, and instances of the fan and shell niche are without number); I know you are of a different opinion, and I will not venture to set mine against it.' And remembering that the only notes I had on Adjeleoun were in the *very same book* with those containing all the notes of my *third* visit to Jerash, I produced the *original* to Mr. Palmer, which he recognised as one of those laid before the gentlemen."

Did you see Mr. Buckingham copying a plan on a window?—Yes.

who had met at my house on the 16th of June. It is a small memorandum-book of Arabic paper, containing notes of my journey, made on the spot. It is marked on the outside thus: 'No. 11. from Assalt to Jerash, Adjeloan, and Mezerebbe, and Bozra in the Hauran.' It begins with Wednesday, March 7, 1816, on my leaving Assalt to visit Jerash a *third* time; fourteen pages are occupied with the road between these two places; then follows immediately after, eleven pages devoted wholly to additional particulars collected at Jerash on my *third* visit, when Mr. Banks was *not with me*. Immediately following the page where my account of Jerash closes, begins the first account of Adjeloan, in these words, 'See the castle of Adjeloan, like that of Assalt; below it, at its immediate foot, Arrubndth, now deserted,—twenty soldiers in the castle from Damascus.' Two pages only beyond this, is the following passage: 'Mr. Borchhardt, Sheikh Ibrahim, had been at the castle of Adjeloan about three years since. It is in situation and construction like Assalt and Karak, and like them, no doubt, an old Roman work with Saracen repairs.' Eleven pages beyond this begins, 'Saturday, March 10th,' when I left Cafr Injey, a small village in the valley of Adjeloan, to pay a visit to the interior of the castle, in which day's journal is the following passage:—

"Ascended from hence to the castle, and saw some cisterns, many hewn stones, and part of a public road in the way. The castle is, like that of Assalt, situated on a high hill, and is about 400 paces in circumference, being nearly square, with a central buttress, or square projection on each side. It is built on a limestone rock, and is surrounded by a broad and deep ditch, hewn out of the rock, and formerly lined with masonry, where necessary. The foot of some part of the castle rock is sloping, and also cased with masonry; the architecture is evidently Roman, large square hewn stones, rough in the centre, and loop-holes in fan-niches of Roman arch; yet within, the pointed and the round arch, as well as the flat one, are all used in the same room; the pointed arch-work of the interior is amazingly solid, and certainly coeval with the building itself. The embrasures for arrows resemble the modern ones for cannon, except in the size of their mouths, and there are a considerable number of them within. It is now in ruins, but we mounted with difficulty on the top, and I took the opposite bearings. There is an Arabic inscription of Sultan Salah-ed-din-el-Mullela ibn-Yuseff, in the year (no date); for which purpose the rough surface of the Roman stones were smoothed down. It is in a small oblong tablet, on the east side, underneath the two fan niches of Roman work. The castle faces nearly the four points."

"Then follows a page containing a set of bearings by compass, of seventeen remarkable objects; towns, villages, mountains, lakes, &c., collected for the construction of a map of the country. In the next succeeding page is the Arabic inscription spoken of, and in the following one, part of a Greek inscription from a ruined Greek monastery, called Deer Mar Elias, which I visited after I quitted the castle of Adjeloan.

"These are all the notes I ever made of this fortress, as I never visited it but once, immediately on coming from my *third* visit to Jerash, of which it is within a short day's journey, and it will be seen that these notes, which speak of Roman arches and rustic masonry, and fan and shell niches, could be the *only* notes to which Mr. Banks's observations could apply, when he says, 'By the bye, from the description in your notes of the fortress of Adjeloan, I am almost persuaded that that also is a Saracen work (Bozra, you will remember, has the rustic masonry all over it, and instances of the fan and shell niches are without number); though I know you are of a different opinion, and I will not venture to set mine against it.'

"As Mr. Banks read those notes of mine on Adjeloan, &c. attentively, and as they begin on the very back of the *same leaf* where the account of my *third* visit to Jerash ends, it will be admitted as very strongly conclusive evidence, that he read *all that related to Jerash also*, as a part about which he must necessarily have been more interested than about Adjeloan, where he had never been, and did not, as far as I am aware, ever intend to go.

"With this knowledge, therefore, of my having been at Jerash alone, subsequent to our joint visit, and with the proofs in his hand of my having collected very copious additional materials of bearings, traces of plans, inscriptions, &c., it became a *wilful falsehood* to say, that in announcing to the world an account of Jerash, I had made an unjust use of his materials, and to say, as he has done in his letter sent by Mr. Hobhouse, 'that I took down no notes of this place, but such as I set down at his dictation from his own mouth, or copied from those written by his own hand; that the few bearings I took were with his compass; and that I could not copy Greek inscriptions, as I was ignorant of the learned languages, and was so far from an antiquarian, that I did not know a Roman ruin from a Turkish one.' He must have known distinctly and unequivocally that I had taken notes of my *own*, bearings with my *own* compass, Greek inscriptions several in number, and traces of buildings not to be found in his plan; and with these facts before him, his assertions to the contrary can be called no other than deliberate, wilful, and malicious representations and untruths.

"In pursuing this inquiry a little farther, after Mr. Palmer left me (which he did with an expression of his satisfaction at the fulness of the proofs submitted to him by me, of Mr. Banks's being acquainted with my third visit to Jerash, and of my not having concealed any thing of this from him), circumstances arose to render it highly probable that Mr. Banks has also seen the very item of disbursement in my little memorandum-book, which stated the sum I had paid as the portion of my expenses for the journey we made together from Jerusalem to Jerash. It is this: at the end of this book, marked 'No. 11. from Assalt to Jerash, Adjeloan and Mezerebbe, and Bozra in the Hauran,' (in which, as has been shown, he had read my notes on Adjeloan attentively), in the last page is this passage: 'Half an hour from hence we

*Cross-examined by Mr. Brougham.*

I think you said, that you were a Mahometan?—I attend the mosques Turkey, but I am a Christian here. (94)

You said that you saw Mr. Bankes and Mr. Buckingham, drawing together in a grotto?—Yes.

Did the expenses you spoke of during the journey, consist in money given to the Arabs by way of presents?—Yes.

Was it not very little?—Yes, very little.

Then there was no great expense attending the journey?—Mr. Bankes paid 250 piastres. (95)

passed a stream called Aba Hamâghur, and in another half hour entered Bozra.' The remarks on Bozra, with the inscriptions copied there, &c., are contained in the end of the small red book appropriated to disbursements, as they were chiefly written in the streets as I went along; this passage is under date of 'Wednesday, March 14th, 1816,' and the account of my disbursements was left off in the February preceding. The item regarding our joint expenses, and the payment of my portion of it, was entered on the 5th of that month, or a full-month prior to my account of Bozra being written, and both were contained in the *same* book. Now I can prove, by Mr. Bankes's letter to me (No. 2. the same that acknowledges his having seen in my notes the description of Adjeloon), that his red book, which contained my disbursements, and the notes on Bozra and Salkhud altogether, was also in his possession, and the notes of it read by him; which renders it equally probable, that he did see the very item entered of my portion of expenses paid for our joint journey to Jerash; or, at all events, it will prove that I did not scruple to put this into his hands, and that there was nothing relating to our travels, whether when together or when separate, that I ever wished or endeavoured to conceal from him.

"In this letter of Mr. Bankes's, he says to me, 'At Bostra, I think you are mistaken in supposing the theatre consisted of only seven or eight ranges of seats. It is true, that those which we see are the uppermost, but there are two if not three stories of high arched vaults of Saracen work below, which occupy the height of at least two more flights of steps (which are even visible in many places), and the scene consisted in three if not four orders of architecture, one above the other, of which there is ocular demonstration, the irregular Doric order which is visible being the uppermost range.' The points in which Mr. Bankes thought me mistaken, and the only place in which he could have seen *any* notes of mine on the theatre at Bozra, are contained in the little red book appropriated originally to disbursements, and the passage to which he particularly alludes, is the following:—'Within the castle (of Bozra) in the centre, is a fine Roman theatre, it faces exactly N. N. E., had a closed front; with Doric wings, fan-topped niches, and Doric doors below, and a range of pilasters above them. There was only one flight of seats, seven or eight in height, and the upper one had behind it a Doric colonnade, running all round the semicircle; the pillars about three feet diameter, supporting a plain architrave. The circuit of the upper range of seats is 230 paces, and the whole extremely chaste and fine; there are nine flights of cunei, moulded as well as the benches. The entrance was made from about thirty arched doors from without, and small steps led to the benches above.'—In this small red book, which contains the only notes I ever made of Bozra, and which Mr. Bankes had with the rest for his perusal, are *fifteen* Greek inscriptions, some of great length, with very copious notes, all made when we were separate; and offering additional proof that he uttered a wilful falsehood, when he stated I neither made notes, nor copied inscriptions, from want of paper, incapacity, and ignorance of the learned languages.

"One instance more may be selected to prove that this book of disbursements was in Mr. Bankes's hands, long *after* the account was closed and discontinued. It is this:—In his letter, after enumerating the arguments which presented themselves to his mind, in favour of the castle of Salkhud being a Saracen work, and not any part of it Roman; he says, 'I do not know whether in the hasty view you took of Salkhud, you examined the town. You would, I think, have observed that the houses there are apparently of a less remote antiquity, and of a worse construction than usual, and the mosque entirely of Saracen work, with shell niches in the minaret. By the bye, from the description in your notes of the fortress of Adjeloon,' &c. &c.—Now, the *only* account I ever had of Salkhud is in the *same* book with that of Bozra, from which place I made a hasty visit to it, having Bozra at noon, reaching Salkhud at 3 p.m. and leaving it again at four, returning to Gheryah, a village near Bozra, an hour after sunset, the whole notes of this 'hasty view,' occupying only four pages of a small book, about four inches square.

J. S. BUCKINGHAM.

(94) There are differences of opinion among those who were present, as to whether the last word, "here," was used by the witness or not: but the fact of his having for years professed the Mohammedan religion, and observed its rites in Turkey, Syria, and Egypt, and of his being sworn on the Gospels here, is not disputed. It is not this, however, but the internal harmony, consistency, and probability of evidence, by whomsoever given, and under whatever sanction, that is chiefly regarded by the world; and no importance is, therefore, here meant to be attached to this change of profession with change of residence, and no impeachment made of the evidence given on this ground alone.

(95) This is a corroboration of the small amount actually disbursed.

That was the contract before the journey; but on the journey very little money was spent?—Yes.

*Charles Parry examined by Mr. Parke.*

MR. PARKE.—Have you travelled in Palestine?—Yes.

Did you visit the ruins of Jerash?—Yes.

At what time?—In 1819.

Who accompanied you?—Mr. Godfrey, Mr. Wise, and Mr. Bailey.

How long were you there?—Nearly two days.

Had you an opportunity of making a complete plan of the place by measurement?—Yes.

I believe you have that plan here?—I have.

Had you such an opportunity of examining the place, as to enable you to make your plan perfectly accurate?—I have every reason to believe it so.

Have you compared the plan published in Mr. Buckingham's book with Mr. Banks's original plan?—I have.

Does the former appear to be copied from the other?—Undoubtedly. (96)

There are some deviations from the original plan in the copy?—There are. Are those deviations accurate?—All the deviations are inaccurate.

I believe Mr. Banks's original plan is not accurate?—No; but it is more correct than the published plan. (97)

Look at the plan published by Mr. Buckingham; the walls in some parts are circular, or waving; is that the case in fact?—It is not.

In that respect, the plan resembles Mr. Banks's?—It does.

(96) It is nothing new to see men of the most liberal professions differ, even in facts, and still more frequently in matters of opinion; nor are architects and surveyors, it is to be presumed, exempt from this common frailty of human nature. It will be well, perhaps, to place in contrast with this unhesitating declaration, the narrative of another surveyor,—not less learned—not less skilful, and not less worthy of implicit credit than even Mr. Parry. The individual alluded to, is Mr. Henry Hamilton, then the principal assistant in the office of Colonel Mackenzie, the late Surveyor-General of India. His statement, which appeared in the 'Calcutta Journal' of August 15, 1823, which was sent to England notarially attested, in 1820, and which has been since reprinted in the Appendix to the 'Travels among the Arab Tribes,' at page 626, is as follows:—

*'A Memorandum relating to the Construction and Drawing of the Plan of Jerash, or Gerasa, for J. S. Buckingham, Esq.'*

'At the time Mr. Buckingham was living at Colonel Mackenzie's, the Colonel put into my hands a tracing of Jerash, with directions to reduce it to a quarter of the size of the original, and colour and finish it as Mr. Buckingham should direct. Having reduced the sketch as directed, I showed it to Mr. Buckingham, who then gave a MS. paper, containing a series of bearings, and requested me to try the positions of all the places according to the bearings. I set about it, but finding I could not bring any of the bearings to agree, I stated it to Mr. Buckingham; and also added, that I was of opinion, the sketch I had been directed to reduce, had not been regularly laid down by the rules of surveying, from the bearings not agreeing in any one place, though the measurements of length and breadth seemed to be pretty correct, and coincided with his. Mr. Buckingham told me, he was very anxious to possess as correct a plan as possible of the ruins of Jerash, and requested me to construct one atresh, laying down every place in its proper position, according to the bearings given me by him. I experienced very little difficulty in performing this new task. I was engaged in the pencilling part of the work about three days; during this time, Mr. Buckingham would frequently call and give his directions. The several buildings in Mr. Buckingham's plan, many of which are not to be found in the tracing, have all been reduced from separate sketches from Mr. Buckingham's book, and adjusted to the scale on the plan. The lesser details have been partly put in, in pencil, by Mr. Buckingham's own hand. When the plan constructed from Mr. Buckingham's bearings was finished, it was so different in all its essential parts from the tracing of Jerash, that no assistance could be said to have been derived from it; and had this sketch or tracing not been put into my hands, I could have constructed the plan from the bearings without it. It will be observed, that in the plan I constructed of Jerash, all the buildings being accurately delineated by the proper measurements, as contained in Mr. Buckingham's notes, but not mentioned in the tracing, they are actually much larger, though on a smaller proportional scale in comparison to what they appear on the larger tracing of Jerash.

'Calcutta, June 27, 1820.

(Signed)

HENRY HAMILTON,  
Assistant Surveyor.'

(97) The question was not as to superior accuracy, but whether the one was a copy of the other.

Are, in point of fact, the walls of the city angular?—As far as my observation went, they are so. (98.)

In Mr. Buckingham's plan, and also in Mr. Banks's, the figure No. 12 is described as a military guard-house. Is there, in point of fact, any such guard-house?—Not that I observed. It is merely an angle in the wall.

In Mr. Buckingham's plan, as well as in Mr. Banks's, two gates are laid down. How many gates are there, in point of fact?—Four. There are four openings in the wall, which I judge to be gates.

On the wall, of Mr. Buckingham's plan, two towers are marked; are there any towers there in reality?—None, whatever, at that angle.

That is a mistake in which Mr. Buckingham has copied Mr. Banks?—Yes.

Mr. BROUGHAM.—Will my Learned Friend show where the figures, which he alludes to, are called towers by us?

The LORD CHIEF JUSTICE.—The word "towers" is not there; but there is sufficient to denote that they are meant for towers.

Mr. GURNEY.—The word "towers" is applied to the figures in the body of the work.

At the opposite corner of the town, there are no towers in Mr. Buckingham's plan. Are there any towers there in point of fact?—Many.

In Mr. Buckingham's plan there are two rows of pillars to the bath. Are there any pillars there in point of fact?—No; there are no traces of any.

There are no pillars in Mr. Banks's plan?—No.

Is the bearing of the theatre in Mr. Buckingham's plan correct?—No.

According to that plan the scene of the theatre is of the same width as the diameter of the benches. Is that so in fact?—No; the length of the scene is only two-thirds of the diameter of the benches. There is another deviation in Mr. Buckingham's plan from that of Mr. Banks's with respect to the theatre. Mr. Buckingham has laid down another row of seats which does not exist, and could not possibly exist, there being no room for it.

There is an aqueduct described in Mr. Buckingham's plan. Is there any aqueduct in fact?—There is not.

Is that aqueduct copied from Mr. Banks's plan?—Yes.

Are the bearings in Mr. Buckingham's plan generally correct?—No; very incorrect.

Do the bearings of the temple agree in the two plans?—Yes.

Are they accurate?—No.

There is a double row of columns. Is that correct?—No.

You are an architect, I believe?—Yes.

Can you read Greek?—A little.

In the defendant's book, Piræus, a port of Athens, is called Piræum. Is that correct?

The LORD CHIEF JUSTICE.—The book was printed when Mr. Buckingham was not in England. This is too minute, I think.

The question was not pressed.

*Cross-examined by Mr. Hill.*

Were the gentlemen who accompanied you to Jerash persons of education?—Yes.

Did they assist you in making the plan?—They did.

You, being an architect by profession, of course possess peculiar advan-

(98) There was no attempt, either in the original plan drawn up from the joint labours of Mr. Banks and Mr. Buckingham, or in that drawn up by Mr. Hamilton from Mr. Buckingham's materials alone, to define, with precision, the exact state of the walls. There was a circumscription about the ruins, and this was expressed by a line drawn around them, in the form in which it presented itself to the eye, without giving a single set of bearings or distances to lead any one to suppose, as in the case of the building, that this was actually surveyed; and this same loose delineation of a surrounding wall is given in the same manner (as will be seen hereafter), in the plan of Mr. Burckhardt, whose qualifications were so highly extolled.

tages for a work of that kind. Now, with respect to the guard house, you call it by some other name?—It is merely an angle in the wall.

How high are the walls generally; where this guard-house is, for instance?

The LORD CHIEF JUSTICE.—Are they about ten or fifteen feet high?—About ten feet.

Mr. HILL.—Are the walls continuous all round?—No.

Were you not obliged to employ conjecture and speculation to assist you in making some parts of the plan?—We were.

One man, you know, may conjecture one thing, and another may conjecture another; and a sea captain and an architect may differ in opinion, with respect to an old wall?—Certainly.

Have you compared your plan with that of Mr. Burckhardt?—I never saw Mr. Burckhardt's.

Look at this plan (handing witness the plan published in Mr. Burckhardt's book.)

Mr. GURNEY.—You must prove that it *is* Mr. Burckhardt's plan. (99)

Mr. HILL.—That we can do. For the present, I will merely call it a plan. Are the walls in that plan waving, like those drawn by Mr. Buckingham, or angular, like those in your plan?—They are waving.

Are there any towers in that plan?—None that I perceive.

Are there any columns to the bath?—There are.

Do they agree with those in Mr. Buckingham's plan?—Not by any means. They differ materially in situation.

But they agree in existence?—Certainly.

You say that there ought to be no columns whatever there?—Yes.

Then Mr. Buckingham's plan, and that which you now hold in your hand, agree in that respect?—Yes.

Are there any columns to the temple in that plan?—Yes.

Are there columns there in Mr. Buckingham's plan?—Yes.

In your plan, I believe, there are no columns?—Yes, there are; but only one row.

How many gates are there in that plan?—Two.

And in Mr. Buckingham's?—Two also.

How many are there in yours?—Four.

That is to say there are four openings in the wall?—Yes.

Which some persons may suppose to be gates, and some may not?—Certainly.

Mr. Buckingham has marked in his plan an aqueduct, which you say is a bridge?—Yes.

Then in reality there is something there?—Yes. (100)

*Captain Irby examined by Mr. Gurney.*

Are you a Captain in the Navy?—I am.

Were you at Jerash in March 1818?—Yes.

Did you accompany Mr. Banks and Captain Mangles?—Yes.

How long were you there?—Five or six days.

During that time had you an opportunity of taking accurate measurement of the ruins of the city?—Altogether our party was there seven or eight days, and we were able to take a complete plan of the place.

Have you compared your plan with Mr. Parry's, and Mr. Buckingham's and Mr. Banks?—No.

(99) That is, this proof was necessary in Mr. Gurney's opinion, because it was going to be used to Mr. Buckingham's benefit. No one could affect really to doubt that it *was* Mr. Burckhardt's plan: but this was something like the doubt said to have been raised on one occasion by the Lord Chancellor, who said, "what matters it that we all read the 'Times' newspaper every day? we do not *legally* know the existence of such a paper, unless some one is prepared to prove that it does exist, by affidavit!"

(100) Whether it was an aqueduct or a bridge, does not yet seem certain; and every one must admit that two things so similar may easily be confounded, by even the most sharp-sighted.

Which of the three plates does yours agree with?—With Mr. Parry's.

Are the walls of the city angular, and not waving?—Yes.

Did you hear of Mr. Buckingham at Cairo and Aleppo?—I did.

What did you hear of his general character at those places?

Mr. BROUGHAM.—I think, my Lord, this question should not be put.

The LORD CHIEF JUSTICE.—One of the defendant's pleas is, that the plain-  
tiff's character was notorious. You cannot, therefore, object to the question.

Mr. GURNEY.—What did you hear of his general character?—I heard that  
instead of going straight on his mission to India he had been travelling about  
in search of antiquities.

But what did you hear of his character?—I cannot say that I ever heard it  
spoken of. (101)

*Cross-examined by Mr. Brougham.*

Does not the bath in Mr. Buckingham's plan resemble that figure in yours,  
more closely than it does that in Mr. Bankes's?—Yes, with the exception of  
the columns.

There is some difference between your plan and that of Mr. Parry?—There  
is some.

Mr. PARRY.—I beg to explain that I concurred with Captain Irby in draw-  
ing up the plan he speaks of; that, in fact, is what I call *my* plan. (102)

*Captain Mangles examined by Mr. Gurney.*

Did you visit the ruins of Jerash in company with Captain Irby and Mr.  
Bankes?—Yes.

Were you there, altogether, seven or eight days?—Yes.

Is Mr. Parry's plan accurate?—Yes.

Did you know Mr. Burckhardt?—Yes.

Did he go by the name of Sheikh Ibrahim?—Yes.

Do you know his handwriting?—No.

Did he in 1817 and 1818, in your presence and that of other persons, give an  
opinion with respect to Mr. Buckingham?—He did. (103)

Mr. BROUGHAM.—I object to the repeating of general conversation. \*

The LORD CHIEF JUSTICE.—Certainly I cannot receive it in evidence.

Mr. GURNEY.—Had you any means of becoming acquainted with Mr.  
Buckingham's general character in Egypt?—Only through Sheikh Ibrahim.

Was it through him only?—I think I also heard Mr. Bankes speak of Mr.  
Buckingham.

You mean the Consul at Aleppo?—Yes.

May I ask what the plaintiff's reputation was in Egypt?

The LORD CHIEF JUSTICE.—You must, by your plea, mean that the plain-  
tiff's character was notorious among the residents in that country generally?  
What two individuals, one in each country, may say, is hardly sufficient to  
give notoriety. If you choose, you may put the question; but you had

(101) Is it possible to be believed, then, that Mr. Buckingham's character could be so noto-  
rious as is pretended, notwithstanding all the pains taken by Mr. Bankes and Mr. Burckhardt  
to make it so, after this reply of Captain Irby?

(102) It had been thought by the court, that these gentlemen were speaking of two plans;  
but it appears that Mr. Bankes, Mr. Parry, Captain Irby, and Captain Mangles, all assisted  
in making one plan, and were several days conjointly engaged upon it; and each of these in-  
dividuals, as they had an undoubted right to do, constantly spoke of it as *his* plan; as it was  
as much the plan of the one as of the other. Upon the same principle, Mr. Buckingham, who  
is admitted by Mr. Bankes himself to have taken the bearings of the first plan, might as truly  
call it *his* plan; and yet the principal crime imputed to his charge is, that he ventured not  
merely to call it but to *use* it as his own!

(103) Mr. Gurney sees nothing wrong in citing a conversation between two persons uncon-  
nected with any actual transaction as evidence here; though, when Mr. Hill wished to make  
evidence of Mr. Hobhouse's conversation with Mr. Bankes respecting his positive instructions  
he was to do with the letter intrusted to him for publication, Mr. Gurney would not admit it.



better not, if you have not better luck with it than you had with your other witness. (104)

*Mr. Parry re-examined by Mr. Brougham.*

When did you draw your plan?—In 1820

You concocted it, as I understand, from the observations of others as well as your own?—Yes.

*Colonel Leake examined by Mr. Parke.*

You have travelled in Egypt, have you not?—Yes, but many years ago.

Were you acquainted with Sheikh Ibrahim?—Not personally.

Have you corresponded with him?—No; but I have, as Secretary to a certain Society, seen his correspondence.

Are you acquainted with his hand-writing?

**THE LORD CHIEF JUSTICE.**—The witness cannot speak to that, having only seen his correspondence. If he had corresponded with him himself, the evidence would be sufficient.

**MR. PARKE.**—Are you acquainted with the Greek language?—Yes.

Look at page 405 of the plaintiff's book. Are the inscriptions there copied in the way that a person acquainted with Greek would have copied them?—They contain errors which I should not have expected to have been made by a person acquainted with Greek.

In the first line you will observe  $\alpha\tau\alpha\theta\eta\ \tau\upsilon\chi\eta$ ; it should be  $\alpha\gamma\alpha\theta\eta\ \tau\upsilon\chi\eta$ ?—Yes.

There is no such word as  $\alpha\tau\alpha\theta\eta$ ?—No. (105)

In the first inscription at the end of the second line, the Roman letter *r* is put for the Greek?—It is. (106)

That mistake occurs in two other instances?—

**THE LORD CHIEF JUSTICE.**—In inscriptions of a late date, is not the Latin

(104) The judge's advice was accordingly adopted; but if it had not been, no *new* fact could have been elicited, for Mr. Burckhardt's opinion and conduct, as well as the motives which led to each, have been sufficiently known and exposed before.

(105) To make this error appear in its true light, it should be mentioned, first, that the inscription itself was originally Burckhardt's, being copied from a stone at the village of Soot, and by him a copy of it given both to Mr. Banks and myself, as mentioned at the very page (105) referred to by the learned counsel. Whether the error was therefore Mr. Burckhardt's, Mr. Banks's, or Mr. Buckingham's, is not now easy to be ascertained; but it is insignificant, be it whose it may. The inscription is in a square and rude character, in capitals, as almost all old inscriptions are; and the error consists in having a T for a Γ, which may have arisen from the hasty formation of the letter character, by extending the top stroke a little too far to the left, which would convert the Γ into a T; or it may have arisen from the error of the native Indian who copied the original notes and inscriptions fair, and multiplied them in triplicate, to send them to England for publication, or it may, lastly, have been the error of the printer or engraver, as the work was carried through the press without any other supervision than that of the ordinary reader of the printer's establishment. The citation, however, of such an error, as placing a T for a Γ, in an old imperfect inscription, and the printing the word Piræum instead of Piræns, in a book printed 10,000 miles distant from its author, as *proofs* of the entire ignorance of that author of both the languages to which these literal errors refer, is a striking illustration of the extremes to which disappointed enemies will run, in order to disparage, if possible, their opponents. But when the reader is told that this volume on Palestine contains not less than *seventy* notes, in small print, in which not merely words, but often whole sentences of Latin and Greek are included; and when he learns that, after the severest criticism that four years of close investigation could apply, no more than these two paltry errors of the press have been pointed out, he will admit that some knowledge was likely to be possessed by the author, and great care evinced by the printer in getting it through his hands for the public eye; for there are few books, indeed, of 800 pages, that do not present a much more extended list of errata than this.

(106) The Roman R is very frequently seen in the place of the Greek P, in inscriptions in the time of the lower empire; and in those of earlier date, the Greek P had a short tail to it of about half the length of the Roman R, so that instances of both are frequent.

r used instead of the Greek  $\rho$ —I never observed it. (107)

Mr. PARKE.—You observe in the book the word Piræum is used for Piræus. Is that correct?—It is not.

*Cross-examined by Mr. Brougham.*

Do you mean to say that the Roman r is never used instead of the Greek  $\rho$ ?—Never in inscriptions of the time of the Roman empire. But in many old inscriptions the Greek  $\rho$  had a small addition to it which made it more resemble the Latin r.

How do you know that these inscriptions are of that date?

The LORD CHIEF JUSTICE.—One of them is to Marcus Aurelius---that must be in the time of the Roman empire. (108)

Do you not think that a person copying an inscription would be more likely to mistake the Greek  $\rho$  (P) for a p, than for the Roman r?—Yes; it is more like a p than the Roman r.

Did you edit Mr. Burckhardt's Travels?—Yes.

Is that the book?—(handing in a book)—It is.

Was that plan inserted in it?—(pointing to the plan of Jerash.) It was.

*Mr. Beechey examined by Mr. Parke.*

Did you know the late Mr. Burckhardt?—Yes.

Do you know his hand-writing?—Perfectly.

Do you believe those letters to be his?—(handing him some letters.) Yes.

The passages from these letters, already given in Mr. Gurney's speech, were then read by the Clerk, in order to make them evidence. (108½)

(107) If Colonel Leake had travelled in the Asiatic colonies of Greece, and among the remains of their worst taste, as he has done in Greece Proper, and among the remains of its best days, he would have seen it often.

(108) The first Greek P in the word MAPKON, is printed correctly; the second, in ATRIAION, is printed incorrectly, but, on reference to the original copy of the inscription, from which it was engraved, the P in the last word has the small tail to it, admitted by Colonel Leake to be seen in inscriptions of earlier times, which the engraver lengthened out into the full Roman R, as it now stands.

(108½) To show what confidence could be placed in any thing which Mr. Burckhardt might say of Mr. Buckingham, the following is repeated from the 'Calcutta Journal' of Aug 15, 1822, and the Appendix to 'Travels among the Arab Tribes,' p. 624

Extracts of a letter from Mr. Benjamin Babington at Madras to his brother Mr. Stephen Babington, at Bombay, dated June 1822, commenting on a letter of Mr. Burckhardt in which that gentleman had cited Mr. Babington as his authority for several gross falsehoods and calumnies regarding Mr. Buckingham.

"I am sorry to observe, however, that all which is advanced (by Mr. Burckhardt) as well respecting my opinion of Mr. Buckingham, as on the state of our accounts, cannot but be WILLFUL MISREPRESENTATIONS."

"In the foregoing defence, I may have omitted some points that, if my memory served me, I could throw light upon. If, however, I have disproved even one unjust accusation, I shall not have taken up my pen in vain, for a single falsehood, whether uttered intentionally, or from erroneous impressions, must affect the credit of every assertion from the same source, and make an impartial judge suspend his opinion, at least, till he has heard both sides of the question."

"I cannot close my letter without expressing my disgust at the abusive style of language used throughout the 'Paper on Buckingham,' language which, even if applicable to the object against which it was levelled, it is sorely beneath the dignity of a gentleman to use. If we contrast this abuse with the uncommonly kind expressions of EXTREME REGARD uttered at the very time when the feelings which gave rise to the accusations were the strongest, we shall find it difficult to put much faith in Sheikh Ibrahim's (Mr. Burckhardt's) sincerity, in expressing either his regard or contempt, and this circumstance alone must weaken our confidence in the disinterestedness of his assertions."

(Signed) B. BABINGTON."

"P. S.—Since writing the above, I have learnt with much regret the death of Sheikh Ibrahim. This circumstance makes it more necessary than ever that the truth should be known with regard to Mr. Buckingham's character, because the Sheikh's papers may do him irreparable injury. I do not think it worth while to alter this letter."

B. B."

\* The whole of this letter is given in the Appendix to Travels among the Arab Tribes, p. 600.

*Mr. Arrowsmith re-examined by Mr. Hill.*

Have you, since you have been in Court, compared Mr. Parry's plan with Mr. Buckingham's published plan, and with Mr. Bankes's original plan?—I have.

Which does Mr. Buckingham's plan most resemble?—I think that, upon the whole, it most resembles Mr. Bankes's; but, in many parts—

*The LORD CHIEF JUSTICE.*—Aye; he told us that before.

*MR. HILL.*—No, my Lord; I believe he was going on to say, that in many parts it resembles Mr. Parry's. Is not that the case?—Yes.

Can those resemblances be the work of chance?—I think not.

*MR. GURNEY.*—After we have proved the existence of variations in such numbers, can one or two accidental resemblances be of any importance? (54) This, my Lord, is the defendant's case.

#### REPLY OF MR. BROUGHAM.

*MR. BROUGHAM* then replied, in the following terms:—May it please your Lordship—Gentlemen of the Jury,—Considering the statement with which I troubled you this morning, and the evidence which went to support that statement, and more especially considering the sort of proof, and of comment, by which that statement, on the part of my client, has been met. I ought to apologize to his Lordship, first, for having detained you with what I am perfectly persuaded you will feel, as I do, to have been in many respects a most needless anticipation of the case of the defendant, and still more, I ought to apologize to you, for troubling you at any length with a commentary upon the case as it now stands. I went into it, simply because, from long experience in Courts of Justice, I well knew the effect, even upon the most attentive Jury,—even upon those who have bent their minds most sedulously to the case, in all its general bearings and most minute details,—of taking hold of one or two points, as my Learned Friend for the defendant has, with his usual address, done; dwelling upon those points, and illustrating them, whether they be of importance or not to the issue, and thus beguiling the attention of the Jury from that view of the case, which is really the only important one, so as to fix it upon some one issue which he raises, as it were, by the by, and collateral to the main point in dispute between the parties, and which he seems to support with something like proof, thus getting the Jury to believe, that by that means he has succeeded; because, seeing that which he has proved, they forget how much remains, not contested at all,—not attempted to be rebutted by evidence on the part of the defendant,—and they are apt, in their forgetfulness and their inattention, to lose sight of what ought to be the great meridian line drawn through the whole map of the case, to which all the other points ought to be made to refer by their bearings, and which ought to guide them (the Jury) through the contradictory mass—the confusion, darkness, and discrepancy of the evidence, to a clear and obvious conclusion on the general merits of the case. Having, for these reasons, been led to occupy more time than was necessary, or was dictated by the smallest anxiety on my part,—I shall not increase the delay more than is obviously necessary to recd your attention to the real question between the parties.

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(100) But they were not *accidental* resemblances. This question was repeated to Mr. Arrowsmith, who declared again, that the coincidences between Mr. Buckingham's plan and Mr. Parry's, in parts where both differ from Mr. Bankes's, could *not* be accidental; but were a strong proof of the points of resemblances really existing in fact; and when to this is added the discovery, also made in Court, that there were coincidences between Mr. Buckingham's and Mr. Burchard's plans, not to be found in Mr. Bankes's, the evidence of genuineness or authenticity in the former must be considered complete, whatever inaccuracies there may be; and inaccuracies there still are, no doubt, in all, which subsequent and more careful surveys can alone remove.

Observe, Gentlemen, in all these allegations, in all these contradictory statements and comments, what is the real gist of the case between the parties. It is this :—Mr. Banks has libelled Mr. Buckingham ; he has levelled charges of a serious nature against his character ; he has defended the truth of those general, foul, and offensive aspersions, by entering into details of facts, which, as he holds, bear him out in these charges ; he does not, now at least, deny that he *published* the libel,—he never denied that he wrote it,—but he now says, by his plea, “ True, it is I wrote it ; true, it is I circulated it ; true it is I gave it to Mr. Hobhouse, no friend of Mr. Buckingham, with instructions to show it to others, to persons most likely to injure Mr. Buckingham’s character in the world, because persons of respectable stations and high connections :—Mr. Barker, the British Consul at Aleppo ; Mr. Rich, the East India Company’s Resident at Bagdad ; Mr. Erskine, high in office in the Supreme Court of Justice at Bombay ; and Mr. Palmer, whose name is equal in credit and respectability with the names of the most opulent and respectable merchants, not only in the East, but in the world. True it is, I gave it to be seen by them, and did not put it in such a way, that it might be met publicly,—as in a newspaper, which might be proceeded against in the common way, and in which Mr. Buckingham, with equal publicity might vindicate himself,—but I published it in a private way, where it would be circulated through small channels, and where Mr. Buckingham could not meet it, unless he had the faculty attributed to some of the Eastern deities of multiplying himself into 500 persons at once.—True it is, I did all this, and true it is, that having done it, I am responsible to Mr. Buckingham for the damages, which a British jury shall make me pay.—But it is *also* true, that he was a notoriously bad character, in Egypt, Syria, and all over the East.—That, I undertake to prove by evidence.—True it is, that he used, or surreptitiously took away my papers and published them, and having been in my employment as an amanuensis, to write from my dictation, and copy what he himself had written, availing himself of this opportunity, in breach of the trust, carried off *larcinously*, (as I said before, and nothing in the way of explanation or comment has been given to prevent me repeating the use of that word, but rather to increase the right to use it, by aggravating the charge of stealing Mr. Banks’s manuscripts, to which I originally applied it,)—all that he did,—all that breach of trust he committed,—the taking my papers was done by him,—he took these papers, and from my notes, (this is what he undertakes to prove,) he afterwards published this book of Travels, which, when he advertised it for publication, induced me to write the letter, accusing him of this fraud.”

Has the defendant proved any *one* of these propositions ? These are the points between the parties. These are the matters at issue between them. The general notoriety of Mr. Buckingham’s bad character, of which not a tittle of evidence has been given, though the East has been ransacked, amongst Natives and Christians, to produce witnesses ; and (keep your attention fixed on that) who could so *easily* prove it, if there was a shadow of foundation for the charge. We have the authority of Mr. Banks, under his own hand, in this very foul libel ; it is part and parcel of the statement in the libel, that Mr. Buckingham was employed by Mr. Banks as his amanuensis ; that he wrote under his dictation, during a part of the seven days ; and that the rest of the notes were written in Mr. Banks’s own hand, and afterwards copied fair by Mr. Buckingham. Who is in possession of these writings ? Where is that which Mr. Buckingham is said to have written under Mr. Banks’s dictation ? Who is in possession of the second notes made on the second of these stages of the journey, and which Mr. Buckingham copied over for Mr. Banks ? That is Mr. Banks’s own statement. Who, but Mr. Banks, is in possession of all these papers ? This story, which I have now a right to state to you as never having been proved, never having had even a colour of probability, but which, moreover, I am now entitled to assume and state to you is *disproved*

by all the evidence in this case: this story, now proved to be false, which was never credible when first stated, and is now abandoned as untrue, is a story told by Mr. Bankes; that the papers, to which Mr. Buckingham obtained access by one breach of trust, he, by another, took away to publish, and advertised for publication.

Says Mr. Gurney, "We will show you that Mr. Bankes made notes;" and he produces a small book, not two inches square. One of the arguments to prove that it was impossible for Mr. Buckingham ever to have taken notes was, that he never had a book more than *four* inches square; and Mr. Gurney produces a book of little more than *one inch square*, one quarter of the superficial contents, and one-sixteenth part of the solid contents of the book of Mr. Buckingham, which is said, in the libel by Mr. Bankes, to be so miserably, insignificantly small, that it is ridiculous to suppose that the man who kept *such* a book, could make any thing out of it at all. I admit that this is Mr. Bankes's book; I admit that he had it there; I agree with the witness who says, he *had* that small book. Here it is—proved, admitted. It is allowed to contain the deposit, the treasure, the granary of his observations on the pilgrimage to Jerash. I, at least, expected, when we went through all that parade of proof by a Christian, and a renegade Italian, who has since come back from the mosques of Mohammed to the bosom of his own church: I expected, that at any rate, this book was to have been given in evidence; and that out of it we were to have been shown the great and main body of the charge. In comparison of this, all the rest is mere dust in the balance; namely, that Mr. Buckingham had taken the information of Mr. Bankes, had got his manuscripts, had acquired his notes without his consent, and had added them to, and incorporated them in, his own publication. I was so confident of the truth of the instructions given to me by the worthy and most respectable individual who has been so foully calumniated, here and elsewhere: I was so confident of the accuracy, as well as the foresight of that gentleman in giving these instructions, that I ran the risk of calling for the evidence, and desired my Learned Friend to produce Mr. Bankes's notes, and compare them with Mr. Buckingham's publication. That publication is proved to have been from a manuscript sent home from Calcutta half a year before, at the end of 1818, and delivered up by Mr. Murray to Dr. Babington in the early part of 1820, after having had it several months in his possession. The manuscript came home at the time the advertisement bears date, 18th October 1818. Such as this book was in manuscript, such it is proved to exist in print; and this book would have been condemnatory of Mr. Buckingham, it would have convicted him, if, in producing Mr. Bankes's notes, proved to have been made by him, it had been found to agree with them in any material particular. That would, at least, have proved there was a colour of foundation for the great body of this charge; but there is not one tittle of such evidence, though the book itself is produced. Therefore, you have a right, nay more, it is your duty to assume, that the little book which contained the whole of Mr. Bankes's notes upon Jerash, contains *not one single item*, which, in any degree, tallies with the observations Mr. Buckingham has made. For no other conceivable reason could it have been withheld from you, after it had been once proved in evidence. For no other reason would my Learned Friend have left that great gap in his case, when he took such pains to travel into minor points of no importance, and even solemnly to prove, by more than one or two witnesses, that this gentleman, who went to sea at the age of nine years, was by no means a model of skill in the language of ancient Greece. Whilst he took so much pains to prove that, which, from its contemptible insignificance, might have been passed over, he never ventured to allude to one single line or letter, or portion of a letter, not even to the tail of the Greek R, contained in the inside of that little book of an inch and an half, or (we will give him the other half inch) at the utmost two inches square.

Then, Gentlemen, it is said, that not only was this a breach of trust, but that a positive condition was entered into between Mr. Bankes and Mr. Buckingham, that Mr. Buckingham was to go to Jerash, on condition that he was

not to write ; I do not believe the evidence of Antonio da Costa upon that subject, any more than I do upon another, namely, of Mr. Buckingham's having pressed himself upon Mr. Bankes, and Mr. Bankes having *reluctantly* permitted him to go ; because, he tells you that this conversation, which he heard, was in *English*. He has now been two years in England, and is more likely to understand the tongue accurately and easily than he did then. He admits that, at that time, neither Mr. Bankes nor Mr. Buckingham ever opened their mouths in English to him, and never to one another spoke in any other language but English ; and do you think that a man, who after residing, and lodging, and exposing himself in all situations in this country for two years, does not *even now*, with the skill acquired after long practice, find himself in a situation to understand so simple a question as this, " What did Mahomet, the servant, carry ? " (it was necessary that it should undergo many modifications before he could be got to understand it, and the interpreter did not much better understand it than himself.)—do you believe he should understand a conversation between Mr. Bankes and Mr. Buckingham in English, when they were so well aware he did not know the language, that they always spoke to him Italian ? They were driven to Italian, as the only means of communication between them, though we know that French is the more common tongue for such purposes ; and yet a reliance is to be placed upon his recollection of a conversation in English at that distant period ! and without any conceivable motive, either for its attracting his attention at the time, or taking such deep root in his remembrance for ever afterwards.

He tells you another story : he says Mr. Buckingham *thrust* himself on Mr. Bankes, and Mr. Bankes was drawn over reluctantly to let him accompany him. Mr. Bankes says the very reverse. Mr. Bankes's letter, of which we now so justly complain as a grievous injury to us, does not upbraid Mr. Buckingham with forcing himself upon his company, although the writer was in that frame of mind, that he never would let slip a favourable opportunity of bringing forward such a charge. He wholly omits that topic, whilst he recurs to others totally groundless. Would he have omitted that topic, if the statement of Da Costa had been well founded ? Mr. Bankes says, in his letter, " It was *at my invitation* that you went with me to Jerash." This is Mr. Bankes's own assertion ; and now comes Antonio da Costa to-day, as Mr. Bankes's witness, to prove that Mr. Bankes did not invite him, but *reluctantly* suffered him to go !

Gentlemen, there are many other observations which occur on every part of the case ; but I pass over them, because life is not infinite, unhappily ; and strength is far from boundless on such occasions as these ; besides which I have a regard for your strength and patience, as well as my own, and I feel it unnecessary to do more than lead your attention to some of the great and main features of the case. With that view I come to the *plan*, about which so much has been said. What possible ground or reason is there for suspicion that Mr. Buckingham has not been, as he represents himself to have been, and as all internal evidence shows him to have been, a second or a third time at Jerash ? In the first place, had he only been there once, and had he taken the plan of Mr. Bankes, which he had an opportunity of doing, I should like to know what right Mr. Bankes had to charge him as he did in his letter ? The latter plan, produced to-day, is, by their own showing, the joint work of Mr. Bankes, Mr. Parry, Captain Irby, and Captain Mangles. Captain Mangles might just as well be complained of by Mr. Parry, for pirating his plan as Mr. Buckingham by Mr. Bankes, for they were joint takers of the first plan ; and, therefore, if you believe that Mr. Buckingham never was at Jerash a second time—if you believe he was only there the first time, (because he has no witness who was with him—not travelling with a train of servants,) I ask how that bears out the statement in the letter, or the plea put upon the record, which fixes down Mr. Bankes to show that Mr. Buckingham stole his property, and that the property so stolen was unduly used for his own ? He

had a right to use it, it was open to both, and if you believe that Mr. Bankes—(which these witnesses both swear—which my Learned Friend, stated in his opening) *saw* him take the copy, just as he was seen making an extract from Mr. Bankes's little book (and it must have been a *very little* extract indeed, for Da Costa says he copied *some little* out of the book, that *very very* little book, which, little as it is, is more than three-fourths even now blank paper) I pray you to say, how can it be alleged that my client obtained possession of the plan surreptitiously? The writing was done in Mr. Bankes's presence; and yet it is contended Mr. Buckingham was under a condition not to write at all! If he was *not* under a condition, there is an end of the argument; and if he *was*, the act was excepted by Mr. Bankes, who *saw* him write. They pretend he had no right to take a plan. Mr. Bankes *allowed* him to copy it. Shall I tell you why he allowed him to copy it? Because it was as much Mr. Buckingham's own making, as Mr. Bankes's. He had taken the bearings with Mr. Bankes's compasses, and therefore it is the greatest of all nonsense to say that the plan belonged to Mr. Bankes any more than to Mr. Buckingham. Mr. Bankes did one part, Mr. Buckingham another, and an equally essential part. But I say the evidence is decisive that there was a *second* plan; I say that the evidence given of the discrepancy between Mr. Buckingham's alterations, and Mr. Parry's plan fails altogether in the hands of my Learned Friend. What signifies it to me whether persons who went there in 1818 or 1819 saw matters in a different state from that in which they were four or five years before? The country they visited is subject to thunderstorms, to earthquakes, to tornadoes on land, as well as sea; but in the work of destruction the elements are helped by the hand of man; which, devouring as is the tooth of time, almost to a proverb, is still more avaricious of the works of man, and of the remains of those works. Who can presume to tell me it is anything like an argument of my not having been in a place some years *before* 1819, that I represent a tower which is not to be found there *in* 1819? or that a row of pillars more was seen in 1816, than could be found in 1819, there being only one row remaining when Mr. Parry visited the ruins in 1819, whereas Mr. Buckingham, in 1816, observed two? Have Turks or Arabs nothing to do with the destruction of a place of this kind? Are you driven to the supposition of Mr. Buckingham's visit being a fiction, because Mr. Parry finds gaps in the ruined walls, to the amount of four, whereas Mr. Buckingham has only laid down two? Are gaps in a wall not likely to be made either by time or accident, or by the hand of man? And will any man say that it is rational, that it is charitable, or that it is consistent with the most ordinary and limited measure of justice, which every one has a right to expect at the hands of others, especially if they are *sworn* to administer it, to say, that because one man saw four gaps, where another, at a previous time, saw only two, that, therefore, the other made a fictitious plan, or was never at the place at all?

Then comes Mr. Burckhardt, who is the great paragon of travellers, according to the case of my Learned Friend—who is too open, too honest, too accurate, to be deceived—too careful to be deceived himself, and far too honest to deceive others in such matters as to whether there were one or two rows and two or four gaps. Here is Mr. Burckhardt, whose editor has been examined to-day—that respectable and learned person, Colonel Leake. He is called to show how great a feature of discrepancy there is between Mr. Burckhardt's and Mr. Buckingham's plans. It turns out that the accurate, intelligent, celebrated, and much-lamented Mr. Burckhardt, agrees with Mr. Buckingham; and gives the waving line to the walls, and has no turrets. Although he, Mr. Burckhardt, saw it two or three years *before*, yet his travels were not published till two years *after* Mr. Buckingham's were sent home, published, and printed; so that Mr. Buckingham *could* not have copied from him. Is it then to be inferred that Mr. Buckingham was not there, because he has laid down a plan which differs from that made subsequently by four or five gentlemen, each occupied for four or five days together on the ground? What on

earth does this prove, except that he did not make *all* the corrections which he might have done, and all the changes that he ought to have made; but corrected it in *some* parts, and left it still erroneous in others; because he was one observer, instead of four or five; because he went there for a few hours only, without a retinue, a comparatively humble and defenceless individual; whereas Mr. Parry, Captain Mangles, Mr. Bankes, and Captain Irby, went there with a large retinue, at their leisure, were not there only for the best part of a single day, but were there for many days, during which they made repeated observations, and had professional, that is, architectural, draughtsmen, to take the drawings, and render the plan much more, infinitely more accurate than Mr. Buckingham or Mr. Bankes, without these aids, could make it? And, after all, such is the difficulty of taking these plans, and such the numberless impediments, especially on the part of travellers, to ascertain the former use of objects mouldering into decay, (one calling an object a bridge, another an aqueduct;) such is the nature of the objects, and so difficult is it to arrest the hand of time and man, that I venture to say, if, two or three years hence, three or four persons should make a party, and go to Jerash, there would be just as much difference between the plan they would make and the most correct of the present plans, as there is between that and Mr. Buckingham's. You have Mr. Arrowsmith's evidence that there are several changes made by Mr. Buckingham in his plan and bearings, which *agree* with Mr. Parry's; and it is contrary to all reason to suppose that this coincidence could be the effect of chance. That many of his alterations agree with the more correct plan afterwards taken by these four gentlemen, appears from Mr. Arrowsmith's evidence, though it hardly required such authority to establish the fact.

Let me now say a word or two as to what has been observed about book-making. Mr. Buckingham sends over some drawings to be put in his book, about twenty or thirty; but he sends over also, to be re-engraved, after trifling alterations, certain prints. These prints, which, if it were necessary, it might be shown, are very *rare* ones, are sent over, and much is attempted to be made out from the notes and instructions written on the margins of them. But, let me ask, how did the defendant obtain these materials? In a way not very creditable to the source from which this evidence was fished up. They are sent to Mr. Murray, as a part of a private communication. They are part of a confidential correspondence between the tradesman and the author. They are entrusted to him under the sacred seal of confidence reposed by a writer in his publisher. I care not what they have disclosed; it is hardly enough to cross the even tenor of our way; because, what signifies a little book-making, even if it *had* been practised—what signifies the patching and piecing of a plate, to save the entire making of a new drawing? But I do reprobate, and, I think, you, and every honourable mind, will join in reprobating that man who confidentially, and under the sacred seal of secrecy, being intrusted, by the author with whom he was dealing, with his private interests, has exposed those interests, by exhibiting the manuscript pencil memorandums which the author never meant the public to see, and which the man who received them, and kept them, and now promulgates them to the world, never meant the public to see, and would sooner have had his right hand cut off than *allowed* the public to see, if he had continued to be Mr. Buckingham's publisher. It was by *accident*, forsooth, that these plates were detained when Mr. Buckingham's manuscript was returned. Did Mr. Murray by *accident* also find them and hand them to the solicitor for the defendant? Was *that* by chance? Was he walking in his sleep? Did he know nothing of their nature, or of the purpose to which they were to be applied? No!—but he had been dismissed by Mr. Buckingham; and he chooses, out of spite, to furnish these documents, in breach of the trust reposed in him; in a way which I am sure no honest respectable tradesman in the city of London, Westminster, or Southwark, would have had the baseness to do. But this trick will avail them nothing; it will avail them less than nothing. What are Mr. Buckingham's



directions about the plates? He says, "There is a man in such a place who ought not to be there. There is a sword, which is of the wrong shape; it is on the wrong side; it is on the right thigh, instead of the left; alter these things, alter a few of the figures, make the figures more correct than they are now; and leave the ruins exactly as they stand."

Mr. Banks is extremely angry because Mr. Buckingham's advertisement made no mention of his name. Has Mr. Buckingham, in the book before you, as Mr. Banks's case supposes, shown the slightest wish to conceal that Mr. Banks was in his company? Read the preface, written before Mr. Banks took offence, or wrote his libellous letter; which preface was published notwithstanding that letter; for Mr. Buckingham was too generous to take advantage of what had happened; but published what he had written in praise of Mr. Banks where he deserved praise. It is a narrative of their common adventures; not suppressing, but bringing into light, and making stand forward, every single circumstance relating to Mr. Banks, so as to give him all the praise and all the credit of his part of the adventures, as well as of the information and the drawings about which so much has been said.

It remains then, for you, Gentlemen, upon the whole of this case, only to do that which, I am sure, you have been long since ready to perform, as an imperative duty to this injured plaintiff; namely, to make Mr. Banks pay that compensation which is so justly due to Mr. Buckingham;—due for the serious injury he has sustained; for the deep wounds inflicted on him; for the atrocious slander propagated against him (which is proved to have been told to two or three individuals, but which may have circulated over every branch of society); for what he has suffered; for what he still may suffer; for the anxiety, for the delay, and for that most grievous and unbearable load of expence with which these costly and dilatory proceedings have almost overwhelmed him.

#### CHARGE OF THE JUDGE.

The LORD CHIEF JUSTICE, having detailed the nature of the action, said,—As to the first plea, of not guilty of the publication, which is pleaded by the defendant, that is falsified; for, on the part of the plaintiff, it is proved that the defendant did publish the letter, respecting which this action is brought. There is then a plea of justification on the record, alleging the whole or different parts of this publication to be true. In the evidence, it appears that the defendant has failed in proving two or three, not immaterial, but very material parts of the story; and, having failed in the proof of these, it seems to me, that he has failed altogether in his justification, and that the plaintiff is entitled to your verdict. The question then is, what damages the plaintiff ought to receive. It appears from the evidence, that the plaintiff and defendant travelled together from Jerusalem, to visit a place called Jerash: and, I think, it may be assumed that, until they met at Jerusalem, the parties were unacquainted. The plaintiff there introduced himself to the defendant, and requested to be allowed to accompany Mr. Banks, and was ultimately permitted to do so. (110) This journey having been thus taken, some considerable time afterwards the defendant sees an advertisement, published, as it appears, by the plaintiff, at Calcutta, announcing his intention to publish a work, to be entitled '*Travels in Palestine.*' This being part of the country he had

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(110) This can hardly be considered to have been proved, unless the evidence of the Portuguese servant, Antonio Da Costa, who alone asserts this, be considered more worthy of belief than the evidence of his master, Mr. Banks, who distinctly says,—"*It was at my invitation that you went with me to Jerash.*" The authority of the latter may appear to the learned judge to be less worthy of credit than the former; and, if so, the inference here drawn is correct.

travelled with Mr. Bankes, and the journey having been taken under circumstances, which, it is alleged, required Mr. Buckingham to forbear to publish an account; and assuming, not incorrectly perhaps, that this work would contain some narrative of that journey, Mr. Bankes was exceedingly *irritated* to think this should take place, and he was induced, under that irritation, to write the letter of which the plaintiff complains. (111)

I think I cannot do better than read to you the libel of which the plaintiff complains—directing your attention generally to such parts as may, in the evidence, be considered as proved, or on which evidence has been offered, by the defendant, fit for consideration, and pointing out those parts of it, in which it appears he has altogether failed. The letter begins thus :

“MR. BUCKINGHAM,—After some anecdotes respecting your conduct, which you cannot but suspect must have come, however late, to my knowledge before this time, you cannot expect that I should address you otherwise than I should the lowest of mankind. It is, indeed, with reluctance that I stoop to address you at all. It will require, however, no long pretence to acquaint you with the object of this letter, since your own conscience will point it out to you, from the moment that you shall recognise a hand writing which must be familiar to you, since you have copied it, and are about to turn the transcript to account. You have hoped that the distance of place would befriend you—you have hoped that I should shrink from proclaiming that I have been imposed upon: it would have been far more politic in you to have shrunk from being proclaimed the man who has imposed.

“In that advertisement by which you announce as your own the works of another, you have at least spared me the humiliation of being named in the list of your friends. Though the motive of this is sufficiently obvious, and it furnishes in itself both a proof and an aggravation of your culpability, yet some of those who are made to appear in that list would rather, I am persuaded, that you had invaded their property, as you have mine, than have subjected them to so unmerited a stigma. One amongst the number (whom you would not have dared even to allude to had he been alive) is unhappily unable to repel the imputations in his own person—I mean the late Mr. Burckhardt, whom you so impudently cite as your bosom friend. The boast is rash and ill timed.

“Are you not aware that copies of a letter are extant, in which he styles you a villain—in which he says that the rogue can be brought to a sense of duty only by a kick? Do you wish, then, to publish your own disgrace, by letting the world know how well you were known to that excellent person, who, during the last two years of his life, lost no opportunity of testifying his contempt and aversion for your character.”

I pause here, to state that the defendant has pleaded in justification of this part of the libel, that there does exist a copy of a letter, in which Mr. Burckhardt styles the plaintiff “a villain,” and says that the plaintiff “can be brought to a sense of his duty only by a kick.” Some letters, written by Mr. Burckhardt, proved to be in his hand-writing, are in evidence before you. They certainly are letters in which the writer speaks of Mr. Buckingham in unmeasured terms, disgraceful to the person thus spoken of; (112) but there is no letter, or copy of a letter, in which he styles the plaintiff “a villain,” or in which he says, “he can be brought to a sense of duty only by a kick.” In that justification, therefore, the defendant has failed. He has proved a letter existing, containing very considerable imputations on the plaintiff’s character; but as to testifying his “contempt and aversion for his character,” that also is not proved in the terms in which it is alleged in the libel. In this, also, the defendant has failed in the proof. I now go on with the letter :

“Do not imagine that these sentiments were confined to the page of a single letter. Sheikh

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(111) There is a slight inaccuracy here: the letter of which the plaintiff complained was not the letter originally written by the defendant to him from Thebes; but the unsealed and open copy of this letter, sent many months afterwards from Trieste, by the hands of Mr. Hobhouse, to be published over all the East, at a time when irritation,—if even that could ever justify a series of falsehoods,—must, or at least ought to, have subsided.

(112) Rather, perhaps, “intended to degrade” the person thus spoken of; but surely not actually so disgraceful to the person spoken of, as to the person who speaks; since, what he has there uttered is neither proved, nor even averred in the defendant’s pleas, to be *true*.

Ibrahim was too open and too honorable to wish others to be deceived, as he had been for a time himself. Had his letters to me reached me sooner than they did, I should have had timely warning to beware how I trusted you, and you would never have had that opportunity which you have seized of abusing my kindness and confidence.

"It is beneath me to expostulate with you; but I will state some facts to yourself, which I have already stated to others—that the journey beyond Jordan to Dgerask and Oomkars was arranged, and the Arabs under engagement to conduct me thither, before I ever saw you, that you introduced yourself to me by a letter, stating that you were intimate with some of my best friends, and studiously concealing from me (both then and afterwards) that you were in any person's employ."

The introduction by letter is proved; the contents are not proved, because the letter is torn as soon as it is read; nor does it appear to have been read by the servant. (113)

"That it was at my invitation (I being always under the supposition that you were a free agent) that you went with me, having previously agreed to take down my notes and the journals when I should wish it, that the whole expenses of that journey were upon me; that the notes and journal were in great part taken down from my mouth (especially what relates to Dgerask), with the exception of that of the two or three last days, which were written with my own hand, and afterwards copied fair by you, but, above all, that the plan of the ruins at Dgerask was constructed and noted with my own hand, and that all the assistance that I derived from you, even in collecting the materials for it, was in your ascertaining for me the relative bearings of some of the buildings with my compass; that, as to the plan of the theatre, you did not even know that I had made it till you saw it at Nazareth.

"It is hardly necessary to remind you, that you neither copied a single inscription, nor made a single sketch on the spot."

From the testimony of the witnesses for the defendant, it appears he did not at the time, copy any inscription, or make any sketches. (114) He goes on to say,

"Since you are, I know, incapable of the one, and your ignorance of Latin and Greek must, I should suppose, until you for the other, add to which, you had not a single sheet of paper on which you could have done either, if I except a pocket book about four inches square."

That the plaintiff is unacquainted with Latin and Greek was, *I think*, admitted by the Learned Counsel in the outset. (115) There is, in his book, a plate, which purports to contain some copies of Greek inscriptions, and it has been proved that, upon that plate, the character intended to denote the letter *x*, is mistaken; and, instead of finding the Greek character, you find the Latin character. I think that a person well acquainted with the Greek language was not likely to have fallen into such a mistake; (116) but the plaintiff's

(113) But the whole force of the imputation lies in the fact, whether the letter contained professions of an acquaintance with Mr. Bankes's best friends or no; so that the proof amounts to nothing more than that a servant saw a person deliver a paper to his master which he tore up (not the usual way in which letters respecting "best friends" are treated), but that neither then nor afterwards did he ever know or hear what that paper contained.

(114) These witnesses could only testify that they did not recollect to have seen these things done by the plaintiff; but to prove that he never did do them, was impossible, unless it could be shown that their eyes were always upon him; whereas, they were as frequently separated from each other as together: besides which, there was only *one* of the witnesses that went on the journey, the other remaining behind at Jerusalem.

(115) This is an maccuracy, unintentional, no doubt. No such thing was admitted, though it was confessed that it could not be very wonderful if one who went to sea at nine years of age, should not be as accomplished a scholar as those whose whole lives were devoted to education.

(116) But it has not been at all proved that it *was* the mistake of the plaintiff. His original copies of inscriptions were for months in the hands of the late Bishop Middleton, of Calcutta, one of the most learned Greek scholars of his time, who never observed or adverted to a single error in them. These were fair copied, *in triplicate*, by native writers of India, to whom neither the English, Latin, or Greek languages were known. One of these triplicates comes to Eng-

ignorance of Greek and Latin, and any mistake which has occurred in the plate containing these inscriptions, are really matters of very small importance to this cause.

"The great ground plan was traced at a window of the convent of Nazareth (as both my servants can testify), and you have copies from my drawings at the tombs at Ooorkats, taken at the same time. These last are, probably, to furnish the vignettes and appropriate engravings which are announced."

"Surely you must laugh at the simplicity of your subscribers when you are alone, with whom you are to pass for a draughtsman, being ignorant of the very first principles of design; for an accurate copier of inscriptions, being ignorant of all the ancient languages; and, for an explainer of antiquities, being incapable of even distinguishing between the architecture of the Turks and the Romans."

This is another part in which the defendant has failed. He has taken on himself to say, that the plaintiff was incapable of distinguishing between the architecture of the Turks and the Romans, of which he has offered no proof. (117)

"I have said enough,—It is in vain to attempt to make a man sensible of ingatitude who has been guilty of fraud.

"What I demand is, the immediate restitution of those copies from my papers, without exception, and without your retaining any duplicates of them. Let them be put into the hands of Sir E. in Nepean, whom I have begged that he will do me the favour to take charge of them; and let all that portion of the work advertised that treats of a journey made at my expense, and compiled from my notes, be suppressed. I leave you, otherwise, to take the consequence: should you persist, the matter shall be notified in a manner that shall make your character as notorious in England and India, as it is already in Egypt and Syria."

Here the defendant has undertaken to prove, that the character of the plaintiff was notorious in Egypt and Syria. In that also he has failed.

"You will find that you have not duped an obscure individual, who is obliged to bear it and hold his tongue.

"WM. J. BANKES.

"When this letter was written, I did not know that the person to whom it is addressed was editor of the paper in which his long-winded advertisement appeared, but supposed him to be still at Bombay."

I have pointed out to your attention some parts of this libel, in which the defendant has certainly not made out the proof of his justification, I have now to mention to you some other parts in which, perhaps, you may think he has; namely, that the journey was taken at the expense of the defendant, and that preparations were made for it by the defendant before he met the plaintiff. In some parts of this libel the plaintiff is accused of having copied the notes which had been taken by the defendant, or by himself under the defendant's own direction; and of having also copied the plan which had been taken by the defendant; and the defendant has called witnesses to prove, (*you are to judge of their credit*;) that during the journey, the plaintiff did not himself take any drawings or prospects; that on one occasion he wrote from the dictation of the plaintiff; that he was seen to make a copy of *something* contained in *some* book, and that he traced the plan that had been made. Whether the notes that are contained in this little book, are the notes from which Mr. Buckingham's book is taken, does not appear: because the contents were not read; probably they are not, and cannot be precisely the same.

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land, and the copy on that is again transferred to a plate, by an engraver. Are not these changes enough to admit such trifling errors as T for Γ, and R for P, in a large quarto volume of more than six hundred pages, and containing, at least, seventy Greek and Latin notes?

(117) Nay, more, there was strong and direct evidence from his own letter, read in court, of the full possession by the plaintiff (and, in his opinion, in a superior degree to himself), of that very knowledge, of which he here denies him any claim to the least particle.

They would, no doubt, be very concise and short. (118) Mr. Buckingham's book certainly professes to give a narrative of a journey taken in company with Mr. Bankes to Jerash; and, *if it be true*, that he took the journey under a stipulation that he was not to make writings or drawings, I think, that, as a man of delicate honour, he would have abstained from giving any narrative of the journey so taken. Whether all contained in the book is taken from the notes of Mr. Bankes is another thing. (119)

A great deal has been said, and a great deal of time consumed in examining this plan of the town of Jerash. It is said, on the part of the plaintiff, in his preface, that his plans were taken at one time, and afterwards corrected and improved at two subsequent visits. Now, the plaintiff has not been able to give evidence of any journey except that in company with Mr. Bankes; (120) and the publication, if I am correctly informed, does not contain a narrative of any other journey except that. It is argued before you, that if he had been on any other journey, you would have found a narrative of it. (121) On the other hand, on behalf of the defendant, great part of the examination of this plan was with a view to find whether or not Mr. Buckingham had made any subsequent visit, and corrected the first plan by what he saw on that subsequent visit. The evidence on that head runs into very great detail, and I do not know that I should render you any material assistance by giving you that detail again. I can only say this, that as far as the evidence goes, I should say, the matter was left in very considerable doubt or uncertainty, one way or the other. I myself could not either draw a conclusion, that the plaintiff *had* corrected the drawings from his own observations, nor could I draw a conclusion that he had not been there, and that the alterations were made merely by way of colour, and not as the result of a second visit.

The plaintiff has also offered, in evidence, his own manuscript of the printed book. When it first came over, it came accompanied by two drawings, which were not given up at the time, which Mr. Murray says he had inadvertently kept; and, by several engravings which have now been produced. The two drawings are produced, which, as they appeared in the work, are shown to be copies of some prints then in existence. (122) These drawings appear to be copied from existing prints. The prints sent over certainly are existing prints; but there is written upon each of them some directions, in pencil, for alterations; and you are desired to infer, that if these had been published, they would have been published as engravings from drawings prepared purposely, which in fact they would not have been. That would only show that this gentleman contemplated that

(118) Even then, however, if there was the least shadow of resemblance between them and the printed book, they *would* have been read, to give a colour to the charge of plagiarism. But the information said to be stolen related to Jerash; and this little book, which many persons examined in court (for all the writing in it might be read in a few minutes), did not relate to that city at all.

(119) But no *part* of it, not a word, not a letter, has been shown to be taken from this book, or from any other paper of Mr. Bankes produced in the court or elsewhere.

(120) The notes of the journey made alone, and subsequent to Mr. Bankes, seen by Dr. Bawington, at Madras, in 1818, and recognised again by him in court, were tendered, but not received. There was no other evidence that could be adduced of such a fact.

(121) The narrative not only exists, but was in Mr. Gurney's hands, in the second volume of travels,—that entitled, 'Travels among the Arab Tribes,' then in court.

(122) The two drawings adverted to by the learned judge, were two small subjects selected from 'Myers's Views in Palestine,' not sent to be engraved, or to be introduced as original drawings, but merely as wood-cut vignettes at the heads of two particular chapters, acknowledged in the preface with others of the same description. But they have not, as the learned judge supposes, "appeared in the work" at all, having been prevented by Mr. Murray's *accidental* detention of them from being placed where intended.

which many other persons have done—giving to the world, as drawings made by themselves, those which had been, in a great measure, copied from other drawings, and putting a great deal into books as being that which they had seen with their own eyes, which, in fact, they had taken from the narrative of the persons who had gone before them. That is a very common art of book-making. Whether that applies to the plaintiff's publication, I do not mean to say. (123)

I do not know any other material matter for me to direct your attention to. I have directed it to those points which appear to me to be the prominent parts of the case, and the evidence on one side and the other. I have already stated to you, that if the publication is proved, the justification is *not*; and the plaintiff is therefore entitled to your verdict. Then comes the question of damages, which is for your own consideration. You will take into your view the mode in which the original letter was written; that there was more excuse for writing it, than for the delivery of a copy a considerable time afterwards. It is due, however, to the defendant to say, that it was all done under a strong *impression* that the plaintiff was about to give to the world some account of a journey taken by the defendant, which the defendant at least *conceived* the plaintiff ought not to publish, but which he should have left to the defendant to usher to the world as his own.

Having made these remarks, you will consider the case: find your verdict; and give such reasonable and temperate damages as may appear the result of sober and correct judgment, and not the result of angry feeling.

The Jury, after deliberating for about three quarters of an hour, returned a verdict for the plaintiff.---Damages, FOUR HUNDRED POUNDS.



#### SUPPLEMENTARY CORRESPONDENCE.

In consequence of the great length to which the Trial extended, occupying the whole time of the Court, from nine o'clock in the morning till seven at night—the reports of the speeches, evidence, and charge in the Daily Papers of the following morning were, necessarily, extremely imperfect. This led to some correspondence in the Public Journals, chiefly with a view to supply the deficiencies, and correct the erroneous impressions likely to be conveyed by some particular parts of the reports in question. As these deficiencies are, however, now supplied by the full and accurate account of the day's proceedings, given in the foregoing pages, it is unnecessary to repeat any portion of the published correspondence here.\* Nor would it, indeed, have been thought necessary to add a single syllable to the report itself, were it not that the attorneys of Mr. Bankes thought proper to put forth, within a day or two after the Trial, clothed with all the sanction of professional authority, a letter which was calculated to convey a very erroneous as well as injurious impression; and which, probably, may have left that impression deeply fixed on the minds of thousands who have not yet seen any refutation of the allegations it contains. It was addressed to the 'Times,' the great circulation of which is well known, and is as follows:

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(123) If this had been true, it would have been deservedly a subject of just reproach; although it forms no part whatever of Mr. Bankes's charge that Mr. Buckingham copied *other* persons' materials, but that he had pilfered *his*; so that the introduction of these prints in evidence at all, seems unnecessary and irrelevant to the question in dispute. Still, however, though quite foreign to the charge for which the action was brought, it might, if not successfully rebutted, have helped out a weak cause, and thrown dust in the eyes of the jury, to blind them to other and more important matters; but it has failed altogether, and has only weakened instead of strengthening the case it was intended to support. They who dug a pit for others, have fallen into it themselves.

\* The letters adverted to appeared in the 'Morning Post' and 'New Times,' of Oct. 23, 1826.

*To the Editor of the Times.*

" SIR,

Bedford-row, Oct. 21.

" In your Paper of yesterday is contained an article with reference to this cause, which we must conclude obtained insertion by some inadvertence ; for we are persuaded you would not admit in your columns any misrepresentation intentionally.\*

" First, you say, " that after many delays on the part of the defendant, a verdict, with 400*l.* damages, was obtained by Mr. Buckingham against Mr. Bankes the younger." Now, in fact, the only delay occasioned by the defendant was in putting off the Trial from Trinity to Michaelmas Term, in the year 1824, to enable him to get witnesses from abroad. We have in our hands documents to which you may have access, if you please, to prove that all the subsequent delay was at the instance of the plaintiff, to enable him to make out his case. The Trial, at last, was by *proviso*, in other words, it was brought on at the defendant's instance.

" Secondly, you say, a similar victory was obtained by Mr. Buckingham some time ago, against the father of the present defendant. The fact is, that nominal damages of 1*s.* only were given in that case.

" With respect to the opinion you have been pleased to express, as the question between these parties is now at an end, we are not disposed to offer any remarks, either upon it, or as to Mr. Buckingham, since the public, and especially those who heard the trial, will be able to form their own judgment on his merits. But we trust that you will take the earliest opportunity of correcting the errors into which you have inadvertently, no doubt, been led. We remain, Sir, your obedient servants,

ADLINGTON, GREGORY, and FAULKNER."

The importance (or at least so it appeared to the person accused of being the cause of the delay) of removing the stigma—for stigma it is on any man to say, that he shrinks from trial and justice, was sufficient in the writer's mind, to justify the immediate despatch of a letter to the paper, in which this accusatory epistle appeared, in order to confirm the accuracy of its original statements, and to show that both in their allegations, as well as in the inferences which the world were called upon to draw from them, the attorneys of Mr. Bankes had followed the example of their worthy employer, in attempting to build up assertions without a proper foundation ; the result of which is uniformly unsuccessful.

The letter was sent, but the reasons urged against its admission, as they originated in the most unexceptionable motives, and were expressed with corresponding courtesy and freedom, appeared quite satisfactory, and the letter was accordingly withdrawn. The note, in which these reasons were conveyed, will speak better for itself than any abstract of its contents, and, in justice to the writer of it, is given at length :

" *Times Office, Tuesday.*

" The Editor presents his compliments to Mr. Buckingham, and begs to assure him that it is from no indisposition to oblige he declines to insert the

(\*) The article or paragraph adverted to; was a few lines written by the Editor himself, in the 'Times' of the preceding day. as follows :

" It will be seen under the head of our Law Report, that after many delays on the part of the defendant, a verdict, with 400*l.* damages, was obtained by Mr. Buckingham against Mr. Bankes the younger. Mr. Buckingham obtained a similar victory, some time ago, over the father of the present defendant. The Bankes's make but a sorry figure in this affair ; and Mr. Buckingham has established, though in a painful way, his reputation as a traveller and author."

letter in answer to Mr. Bankes's attorneys. But he thinks Mr. Buckingham's triumph already complete, and that any further discussion would rather weaken than strengthen the impression made on the public mind. Another reason, though not so weighty, is, that Mr. Buckingham's letter would of course lead to further correspondence, for which the editor cannot find room."

The advice here tendered was, in the same spirit, accepted and adopted; and accordingly the letter was not sent to any *other* paper for insertion, as it might, without such substantial reasons for its rejection, most probably have been. But the same objections do not apply with equal force to its introduction *here*: and as the writer of it would not have that triumph (which men of all parties now admit to be one) stained by even the slightest blemish on any portion of his conduct throughout the long course of eventful and laborious years by which it has been achieved,—he is desirous of showing that this last dying effort of a hopeless cause is as unworthy, as it must be powerless, when its true character is laid bare before the world. The hitherto unpublished letter is as follows:

TO THE EDITOR OF THE TIMES.

SIR,

St. John's Wood.

As the accuracy of your remarks on the issue of this cause, (Buckingham *versus* Bankes,) has been called in question by Messrs. Adlington, Gregory, and Faulkner, the attorneys of Mr. Bankes, you will permit me I hope to show that both the assertions contained in your paper of Friday to which they object, were strictly founded in truth.

*First*.—In reply to your observation that there were "many delays on the part of the defendant;" these gentlemen say that "the only delay occasioned by the defendant, was in putting off the trial from Trinity to Michaelmas Term, in the year 1824," and that "all the subsequent delay was at the instance of the plaintiff, to enable him to make out his case." Let the facts, however, speak for themselves. They are these: When the action was brought by me against Mr. Bankes, he pleaded, in justification, that his letter was *true* in all its parts, that he was prepared to *prove* its truth, and that on these grounds he had a *right* to publish it. He then asked leave to put off the trial till he could send out and obtain witnesses from Syria or Egypt. This was granted by the Court, on condition of his previously admitting that the letter complained of, was *really written* by him. He made this admission,—the delay was granted, and after a considerable interval, the only witnesses professed to be required by him, were brought over to this country. We were then on the point of going to trial, when it was discovered by Messrs. Vizard and Leman, (the attorneys to whom I had found it necessary to transfer the case,) that though Mr. Bankes had admitted that the letter was in *his own hand-writing*, he had not admitted that he had *published* it, or, in other words, shown it to any third person. I stated to them, however, my belief, that as Mr. Bankes had not merely *written* the letter, but justified his *publication* of it, by pleading that it was *true*, and obtained the witnesses required by him to prove its truth; he would have no hesitation in *admitting* this publication, in order that we might go at once to trial on the merits of the case. I was deceived, however, in my expectation: for, on two successive applications to him to admit the publication, which was the only obstacle in the way of immediate trial, he refused to accede to this just request. My attorneys, then, applied to the Court on my behalf, for leave to send a Commission to India, in order to obtain the evidence of Mr. Hobhouse, who could alone prove, in a legal manner, the fact of publication, as he was the person into whose hands the libellous letter was placed for circulation by Mr. Bankes. I now learnt, with some surprise, that though the Court had unhesitatingly given Mr. Bankes leave to send for *his* witnesses to Syria or Egypt, without asking *my* consent; though I should readily have given it if required of me; they could not give me leave to send to India for the evidence



of my witness, without Mr. Bankes giving *his* consent, which was withheld. The Court, however, on explanation, compelled him to consent: but on a condition, which few persons unacquainted with the law, would think probable, namely, that *I* should pay into Court, before the Commission to India left this country, a sum of money sufficient to maintain Mr. Bankes's foreign witnesses in ease and comfort, until this Commission should return, which could not be in less than twelve months! I paid the money into Court accordingly, and the Commission went out.

It happened, however, that soon after the Commission left this country, Mr. Hobhouse, whose testimony it was sent out to obtain, arrived in England. I immediately made an effort to get the trial brought on. But here a new difficulty arose. The original letter of Mr. Bankes had been sent out to India with the Commission, it being necessary that Mr. Hobhouse should identify it as the letter actually given to him for circulation. Still, however, as Mr. Bankes had already admitted that he had *written* the letter, of which a regularly attested copy, sworn to before a judge, was retained in this country, (which attested copy would have been received in evidence if the original had been lost;) and as the only questions to be tried were—1st, whether he had *published* the letter; and 2dly, whether the allegations contained in it were *true*; I conceived that he would readily admit the attested copy in lieu of the original, and let us go at once to trial; since, if he had *not* published it, as his constant refusal to admit this fact would necessarily imply, Mr. Hobhouse could have settled this point, and my non-suit would have been certain: or, supposing the publication to be proved, if the truth of the matter published could be sustained, his witnesses, Mahomet and Antonio, could have substantiated the facts, and on that ground a verdict must have been given in his favour. But, though all the obstacles to an immediate trial, might have been instantly removed by the simple admission by Mr. Bankes of what he then well knew, and what has since been proved to be true, he as constantly refused: and during the last term alone was he anxious to bring on the trial, *before* the Commission had returned from India, when he would not admit an attested copy to be received in evidence, although the original letter, on which the whole proceeding rested, was on the ocean, and of course impossible to be produced in Court. The Chief Justice, however, yielded to our request of further postponement for a few weeks, to admit of the Commission returning, though we even then expressed our entire readiness to go at once to trial, if Mr. Bankes would admit either the attested copy, or the publication; and for this indulgence I was required to pay a further sum of money into Court, for the past expenses, and undertake to defray the future maintenance of Mr. Bankes's foreign witnesses till the Commission came. Thus having the satisfaction of feeding and clothing men who were to appear *against* myself, and who, during their long stay in this country, might have an agreeable, if not a very successful training, for the part so new to them to perform, when the day of trial came.

The “many delays,” therefore, which took place on this trial, were, as you justly state, “on the part of the defendant:” because, but for his refusing to admit the publication, through Mr. Hobhouse, of a letter which he contended was true in all its parts, and of which, if true, the publication would have been no crime, the action might have been brought to a close upwards of two years ago: there were two great objects, however, gained by the delay.—1st, The chances which the chapter of accidents always presents of escape from conviction, by the loss of documents, death of individuals, &c.; not to mention the abandonment, from weariness, of a pursuit that seemed endless and hopeless in its career:—and 2dly, The certain accumulation upon my head, of expenses, which four times the damages awarded to me would not repay: for in addition to a thousand indirect disbursements, all the maintenance of Mr. Bankes's witnesses during those eighteen months past, notwithstanding that they have proved nothing against me, are to come out of my pocket, not being included in the regular costs of the action, though, as it was admitted

by one of them in Court, they have been living, part of that time at least, in Mr. Bankes's own house.—Whether any portion of this sum will be claimed by the master, as remuneration for their board and lodging, I am not aware; but one who thought the expenditure of fifty shillings for entertaining a guest on a journey of seven days, sufficient to shut his mouth for ever afterwards, and to confer an eternal sense of gratitude, may be safely trusted to settle his own accounts, without danger of forgetting his own interests.

*Secondly*,—Messrs. Adlington, Gregory, and Faulkner, object to your expression, that “a similar victory was obtained by me against the father of the defendant, some time ago;” and they add: “The fact is, that nominal damages of one shilling only were given in this case.” It would have been wise in these gentlemen to have omitted all allusion to this matter. But, since *they* have chosen to revive it, they will, no doubt, forgive me for setting it in its true light. The action against Mr. Bankes, senior, was, it may be remembered, for having written a letter to Mr. Murray, embodying, almost in the same words, the libel of which Mr. Bankes, junior, has lately been convicted; and stating that he did so on the authority of a letter received from his son, dated at Thebes, on the very day the libellous letter given to Mr. Hobhouse was written, and no doubt a verbatim copy of the same. Now, to defend this action of Mr. Bankes the elder, and to justify his conduct, all that was necessary for him to do was to call his son, Mr. William John Bankes, into Court—to place him in the witness-box—and to ask him to swear to the truth of what he himself had written. No other proof was needed; because the circumstances described were all spoken of by him as being within his own knowledge, and his oath would have been received as sufficient proof of their truth. What, however, was the conduct pursued by the father? He did not dare to call his son to swear to the truth of his own letter: and by this act alone, he tacitly declared to the world that he had no faith in his son's representations. He therefore followed the example of Mr. Murray, who had abandoned all justification of the libels in the ‘Quarterly Review’; who made an apology to me in open Court, expressing his deep regret at being made the vehicle of calumny on a respectable individual; voluntarily consenting to have a verdict recorded against him for 5*l.* damages, and costs. Nay, Mr. Bankes the elder went further still: for while, Murray's 50*l.* damages only carried what are called the *taxed* costs, leaving me still something to pay, the elder Bankes's *single shilling* (fortunately for him it is not his last) was more to me than his son's 400*l.*; for the father, on condition of being let off so easily, and thus avoiding the odium and disgrace of a public trial, not only abandoned all justification or defence, but consented, with this shilling damages, to pay all the costs as between attorney and client,—that is, to repay every farthing I had myself expended in bringing him to justice: whereas the son's 400*l.* damages—like Murray's 50*l.*—carries only *taxed* costs, and will leave me on the whole about 400*l.* or 500*l.* out of pocket: a large price, it is true, but one that I shall cheerfully pay, in addition to seven years' of persevering and unintermitted labour and anxiety, for the defence of that reputation which is dearer to me than life.

I am, Sir, your most obedient servant,

J. S. BUCKINGHAM.

Oct. 23, 1826.

P.S. It is to be hoped that the world will duly appreciate the professional care with which Messrs. Adlington, Gregory, and Faulkner, watch over the reputation of their wealthy client. When they next address the public, it would be well, perhaps, if they would condescend to do an act of justice to their own. With this view, I invite them, through the channel they have now so judiciously chosen, to explain, upon what principles of common honesty, gentlemanly candour, or professional integrity, they could consent to avail themselves of private papers, known to them to be my property, known to them to have been secretly and clandestinely withheld from me, and given up to my enemy to be used against myself. If Mr. Murray, in the bitterness of

his disappointment, could be so lost to all sense of shame as to supply my slanderer with materials for his mischief, at the very moment when he was professing to me and to the world his sorrow for his misdeeds, and his desire to repair the injuries which this very man had already made him the vehicle of inflicting on me:—if Mr. Bankes, in the desperation of his condition, could be so blinded to all future consequences to his own reputation, as to receive, and pervert to his own benefit, the pilfered property of the very person whom he was himself accusing of having pilfered his notes:—if these two enraged and defeated individuals could consent to soil their hands with such a dirty transaction:—one would have thought that respectable attorneys, to whom two such individuals should have brought this secretly purloined and distinctly identified property of another man, to be used against its rightful owner, from whom all knowledge of the transaction was studiously concealed, would have not only rejected with scorn the offer of such pilfered materials, but have repelled, with dignified reproof, the insult offered to their honour by the bare tender of them for such a purpose. Of this, however, I am sure, that had any private papers or notes in Mr. Bankes's hand-writing, taken from him without his knowledge, been brought by a treacherous servant or dishonest tradesman, to any of the legal consultations at which I had the honour to meet the counsel and attorneys engaged in my cause—there is not one of them who would not have instantly shown the door to the messenger who should have dared to cross its threshold on such a disreputable errand.—But justice is triumphant. The low and artful cunning which prompted the measure, and the indifference to honourable feeling which consented to carry it into execution—have brought nothing but odium on the heads of those who were united in this contemptible conspiracy.

J. S. BUCKINGHAM.

#### CONCLUSION.

It remains to be seen, whether the final issue of this long-pending case will move the EAST INDIA COMPANY to do justice to one who has suffered so deeply at their hands, as much *in consequence* of these unfounded calumnies of Mr. Bankes as from any other cause. There cannot be a doubt in the mind of any person who was in India, during the discussions that arose out of those atrocious libels, or who is acquainted with the progressive development of the events to which they gave birth, that the very first foundation laid for the odium subsequently heaped on Mr. Buckingham's head by the Indian Government and its partisans, was this slanderous letter of Mr. William Bankes, and the next aid to it the equally slanderous article written by the hand of the same false and malicious libeller, in the pages of the 'Quarterly Review.' The first, was the ground-work of all the privately circulated rumours against Mr. Buckingham's integrity; the second was the signal for open war: and when the articles written in the 'Calcutta Journal,' of August 15, 1822, appeared in refutation of the statements in the 'Quarterly Review,' the following letter, always asserted, and never yet denied, to be from the pen of the Rev. Dr. Bryce, one of the leaders of the faction opposed to the freedom of discussion in India, was published in the Indian 'John Bull,' a Paper set up, and supported entirely by the principal functionaries of the Indian Government, for the avowed purpose of crushing Mr. Buckingham, and driving him from the country,—in which they, unfortunately, but too well succeeded. The letter was as follows:

"To the Editor of John Bull.

"SIR,

"Calcutta, Nov. 1822.

"On 'my arrival here, about a month ago, a defence of 'Buckingham's Travels in Palestine,' against the strictures in 'The Quarterly Review,' was put into my hand. I have to beg that the Indian public will suspend their judgment on the merits of this dispute, so far as the character and conduct of Mr. Bankes are implicated, until that gentleman's reply; and I pledge myself that a scene of iniquity and falsehood will be displayed which will astonish and disgust every man of honourable feeling. You have long been duped by the most artful of adventurers; but the hour of exposure approaches.

Yours, &c.

"A FRIEND OF MR. BANKES."

This letter, written by a man who subsequently avowed that he had never even seen the individual whom he called his friend, and who afterwards, on that account, changed his signature from a Friend of, to "a Friend to Mr. Bankes," was followed up by a series of others, of the most malignant and murderous description that, perhaps, ever appeared in print. Certainly, nothing in the annals of newspaper slander in England at all resembled them. They ended in calling on all the public associations of India, and on every family or individual who had the least regard for their honour, to expel from among them, to shun, to detest, and to point the finger of scorn at the man whom this abandoned and anonymous assassin declared to be a convicted liar, robber, swindler, impostor, thief, and monster of iniquity! and all on the authority of these slanders of Mr. Bankes now so completely exposed.\* The Government of India, not content with merely looking on with complacency, at this war of extermination carried on against Mr. Buckingham, whose great crime, in their eyes, was his daring to comment freely on their measures, actually encouraged, promoted, and munificently rewarded all the parties known to them to be engaged in the composition and publication of these unparalleled libels; giving to the Rev. Dr. Bryce, especially, the place of a clerk of stationery, since declared to be altogether unsuited for his holy calling, and from which he has been since removed. Yet, will it be believed? it was for merely giving an opinion, that this appointment *was* unsuited to the dignity of the clerical profession (now since acknowledged by the highest authorities in England, to be a *right* opinion, by Dr. Bryce's twice-ordered, though twice-resisted removal from his place.) that Mr. Buckingham was banished from India; and not merely his income of 8000*l.* a year, of which he was then in receipt, as the fruit of his own labours, at once cut off; but his actual property of 40,000*l.* left behind him in the country, under the implied protection of the Government there, entirely destroyed, and he himself, by their measures subsequent to his banishment, involved in debt to the extent of 10,000*l.* more! That all this sprung originally from the calumnies of Mr. Bankes being believed to be true, and, as such, depriving Mr. Buckingham of the sympathy and support of honourable men—no one acquainted with the fact can doubt. And what adds to the criminality of the Indian Government in acting on these slender grounds is: that the very moment of Mr. Buckingham bringing his Indian calumniators before a court of justice in that country to dare them, by a civil action, to the proof of their false aspersions, was chosen, by the Indian Government, to banish him, without a trial or a hearing, from their territories! so that his pursuit of justice was impeded, if not actually rendered impossible, by his being forcibly banished from the very court and country in which he was appealing to the laws for redress!! The issue of the Trial, however, notwithstanding the step taken to impede it, and the banishment of the plaintiff to the distance of 10,000 miles from those who were to conduct his case, was as triumphant in India as it has been in England. The judge, Sir Francis Macnaghten, declared, from the bench, that the libels were "too atrocious to be even *thought of* without horror;" and no single proof being adduced of their truth, the libelers were *convicted* accordingly.

Though all these things have happened, however,—though the observations made by Mr. Buckingham on the improper appointment of Dr. Bryce to an office unsuited to the dignity of his profession, have since been admitted to be well founded, by the Board of Control, the Parliament, and the East India Directors, all of whom have concurred in the necessity of his removal from it without delay; and though the calumnies of Mr. Bankes, on a belief in the truth of which, all the odium into which Mr. Buckingham was plunged by his enemies in India, was founded, are proved to be as false as they were malignant; yet the victim of all this injustice remains still borne down by the mass of suffering which these events inflicted on him. His fortune is entirely

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\* See Appendix to 'Travels among the Arab Tribes,' in which all the proofs of this conspiracy to destroy are detailed.

destroyed; his pursuits, in the country in which all his connections were formed, are broken up; his hopes blighted, and the future, which, before these calumnies appeared, shone so brightly on his prospects, now presents only the most gloomy aspect. Let those who supported or justified the measures pursued towards Mr. Buckingham, in the belief that these imputations made on his character were founded in truth, only ask their own hearts what should be the course to be pursued by them, now that these imputations are shown to be utterly false? If reparation be possible, can any man doubt that it is due? and if it be due, can it either be just or honourable any longer to withhold it? We pause for a reply!

#### POSTSCRIPT.—INDIAN NEWS.

We have kept our pages open up to the latest possible moment, in the hope that an arrival from India would put us in possession of something new from that quarter to communicate to our readers; but, up to the hour of our writing this, no ship or intelligence has reached England from India of a later date than that given in our last. It would be easy enough for us, in such a case, to imitate the practice of others in going back for some months, to ransack the files of old papers, and select from them paragraphs deemed unimportant at the period of their first examination and then passed by, as unworthy of quotation. But we shall spare both our readers and ourselves this profitless occupation; and as the winds and waves have wafted to us nothing *new*, we shall confess that, having no power over these elements, on which the arrival or non-arrival of India ships depends, we are content to wait till their favourable operation shall put us in possession of something worth introducing to those for whose information we are desirous of providing. Several of the private letters, which reached us by former arrivals from Bengal, Madras, and Bombay, but for which room could not be found in our last, are included in the present Number, and furnish facts and opinions on matters of local interest, of a description which has hitherto been usually incorporated under the general head of our Indian Intelligence, but which we consider to be more appropriately classed under their respective heads, in the form in which they are now presented. An outline sketch of what has appeared in the public Papers of England during the past month relating to Eastern affairs generally, will be all that can be necessary to record here.

The public meetings, and other proceedings in India relative to the late lamented Bishop Heber, were adverted to in our last. It has since been stated, that in addition to the sepulchral monument which was resolved to be erected at the expense of the subscribers in Bengal, a portion of the same fund is to be appropriated to the purchase of a piece of plate, to be preserved in the family of the brother of Bishop Heber, as an *heir-loom* for ever. It is pleasing to see the worth of public men thus acknowledged, and its memory perpetuated. There are living characters, however, who deserve equal honor from the community of India; among others, Lord Hastings, and Sir Edward West, especially, though for very different acts and qualities, but each excellent in its class. Why do not the people of India come forward to do them justice now? or do they wait till they also shall be in their graves, and unconscious of the approbation of their fellow men?

The war between Persia and Russia has been formally declared, and actual hostilities commenced. But, according to a late statement, the differences that led to it, have been subsequently adjusted. We shall wait to see whether this is confirmed: and advert more at length to the subject in our next.

From Batavia, very distressing accounts have been received, both of the

ravages of internal war, and the destructive influence of disease; and from Bencoolen unfavourable accounts have also reached. The English inhabitants are said to be gradually withdrawing from each, and seeking an asylum in Singapore.

The intelligence from New South Wales is more satisfactory. Great progress was making in the agricultural and commercial pursuits of the inhabitants and the colony seemed advancing rapidly in prosperity.

From the Cape of Good Hope various accounts have been received, the general tenor of which proves the benefit already derived by that Colony from the departure of its former Governor. Mr. Charles Blair and Mr. Launcelot Cooke, who is about to return from this country to the Cape, are both spoken of in high terms, as well as Colonel Skerret, of H.M. 55th regt., for their disinterested labours in behalf of their fellow colonists; and the present Lieut.-Governor, Bourke, is said to hear every complaint, and to listen with much patience to the representation of grievances. Long may this disposition continue! There is yet, however, much to reform, as the powerful articles on the state of the Cape of Good Hope, now in the course of publication in our Journal, will show. An ordinance concerning slaves at that Colony, appeared in the Cape Papers of the 1st July, an abstract of which, we hope to present in our next.

Of Indian affairs at home, little has transpired during the past month, almost all public men being out of town at this particular season of the year.

Lieutenant Kenny, of H.M. 89th regiment, having been tried, on the 25th of October, at the Admiralty Sessions held at the Old Bailey, for the alleged manslaughter of Mr. Robert Charlton, surgeon of the private trading ship *Bussorah*, on her way from Madras to England, was, in conformity with the evidence, found guilty of Manslaughter, in having killed Mr. Charlton in a duel. But the circumstances under which this fatal event occurred, and the high testimony borne to the general good character of the prisoner, were such as to induce the Jury to recommend him to the most lenient consideration of the Court; the sentence of which was, that he should pay a fine of 10*l.* to the king; which may be considered as, of course, a virtual acquittal.

An addition has been made to the candidates for the East India Direction, since Mr. Henry William Hobhouse, who was the last individual, we believe, that publicly announced his intention of soliciting a place in that august body at the hands of the old ladies and gentlemen, who are alone capable of conferring the dignity. Mr. John Pascal Larkins is the new candidate who aspires to the honour of a seat in the Leadenhall-street Council; and the claims he puts forth are founded on "an intimate acquaintance with the details of the revenue, trade, salt, opium, and marine departments in Bengal;" which, in other words, means, with the art of wringing from the natives of India, by two of the most cruel and detestable monopolies that ever existed, (those of salt and opium,) the uttermost farthing that their labour or produce will enable them to surrender. These are qualifications that *will*, unfortunately, recommend Mr. Larkins to a great many; but there is another merit that his modesty has prevented him from mentioning---namely, that he was one of the chief Proprietors of that most scandalous of all scandalous Papers, the 'Indian John Bull'; that he was one of the "convicted libellers" of Mr. Buckingham, being one of the six parties prosecuted by Mr. Buckingham for the re-publication, with aggravating comments, of the libels of Mr. Bukes and the 'Quarterly Review'; one of the owners and defenders, as well as a large profitor by the gains of a paper, containing libels which Sir Francis Macnaghten, the Judge, then on the Calcutta bench, declared "to be too atrocious to be even thought of without horror;" yet, who still, after conviction by a verdict, and payment of damages and costs, still persisted in a career, which not merely the law

and the general feeling of society pronounced to be wrong, but which the Court of Directors themselves have now publicly prohibited any of their servants from doing in future. Will they receive Mr. Larkins among their immaculate body after this? No doubt they will; and we venture to predict that Mr. John Pascal Larkins, Mr. Henry William Hobhouse, and Mr. Robert Cutlar Fergusson,—each and every of whom (as the law phrase is) have, in the eyes of the East India Directors at least, if not in those of the Proprietors, established for themselves strong and especial claims to their assistance and patronage, by acts, which, whether performed with a view to that reward or not, are almost certain of obtaining it—will all be assisted by the Court. But let the day of struggle come, and we shall then be better able to judge, whether they will be *universally* supported in their contest for the great prize of a seat in the Direction, or not.

The only other topic of public interest, is the low murmurs that are every now and then heard respecting the recall of Lord Amherst. Although nothing that he has *done* could move the Court to remove this faithful servant of theirs; what he has *said*, or authorized to be *written*, has, it rumoured, sealed his doom. The letter from the Hon. Jeffrey Amherst to Mr. Charles Trower, of the Bengal Civil Service, printed in our last, is said to have literally enraged the Directors to a degree not easily described. To have their Governor-General appeal to the *Indian Public* against themselves; when he was only sent there to trample that public, and its organ the press, under foot, was too much to bear.—He must be recalled, after this; and the only difficulty seems to be, to resolve who is to be his successor.—The Duke of Buckingham is still talked of; but Mr. Wynn's fears for his Grace's health cannot be allayed, without some great change in his Mr. Wynn's *own* prospects: so that his case is hopeless.—If Mr. Wynn must leave the Board of Control, and can get nothing better, the Duke will not be able to go to Bengal, without (in his kind-hearted relative's opinion,) risking his life in a dreadful climate.—But, if Mr. Wynn should either be permitted to continue in the India Board, or be made Speaker of the House of Commons, or any thing equally productive of honour and emolument,—the climate of Bengal will at once become perfectly salubrious,—and the noble Duke may venture even *his* portly person on board a smaller ship than the late *Baron of Renfrew*, now no more, and take his morning and evening airings on the back of the stately elephant, along the banks of the giant Ganges, without the least risk even of a headach to interrupt his health or his repose.

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## CIVIL AND MILITARY INTELLIGENCE.

## CALCUTTA.

## CIVIL AND ECCLESIASTICAL APPOINTMENTS.

*Fort William, April 21, 1826.*—Mr. W. Jackson, second Assistant to the Register of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut; Mr. R. Barlow, ditto ditto at the Sudder station of Bhaugulpore; Mr. H. P. Gordon, Assistant to the Collector of Goruckpore.—26. Mr. C. Lindsay to be Deputy Collector of Inland Customs at Calcutta; Mr. W. P. Palmer to be Head Assistant to the Board of Customs, Salt and Opium, and Superintendent of the Salt Golahs at Sulkeah; Mr. J. Lewis to be Commissioner in the Sunderbuns.—May 11. The Rev. J. C. Proby, District Chaplain at Benares; the Rev. W. Burkitt, ditto ditto at Ghazipore.—19. Mr. C. R. Cartwright, first Assistant to the Resident of Hyderabad.

## MADRAS.

## CIVIL APPOINTMENTS.

*Fort St. George, April 21.*—Mr. E. C. Greenway, Judge and Criminal Judge of Bellary; Mr. J. M. Macleod, Persian Translator to Government; Mr. A. Robertson, Tamil Translator to do.—May 5. Mr. W. Oliver, Judge of the Courts of Sudder and Fonjdarry Adawlut; Mr. J. Taylor, First Judge of the Provincial Court of Appeal and Circuit for the Southern Division; Mr. J. D. Gleig, Sub Collector of Madura; Mr. J. Vaughan 2d Judge of the Provincial Court of Appeal and Circuit for the Western Division; Mr. W. O. Shakspeare 3d Judge of do. do.; Mr. S. Nicholls, Judge and Criminal Judge of Madura; Mr. J. Vaughan, ditto ditto of Canara; Mr. W. Sheffield, Principal Collector and Magis. of Malabar; Mr. C. M. Whish, Sub Collector of do.; Mr. J. Orr, Sub Collector of Nellore.—May 12. Mr. T. V. Stonhouse, Head Assist. to the Principal Collector and Magis. of Nellore; Mr. G. S. Hooper, do. do. to the Collector of Tinevelly; Mr. J. Horsley, do. do. to the Collector of Tanjore; Mr. R. A. Bannerman, Register to the Zillah Court of Madura.

## COURT-MARTIAL.

A General Court-Martial was held at Bangalore on the 25th of April, and continued by adjournment to the 9th of May following, on Lieutenant-Colonel Boyse, 13th Light Dragoons, for "treating with disrespect and contempt the orders of Major-General Pritzler," and for "issuing a regimental order, bearing date, 7th of February last, in direct opposition to the instructions conveyed to him personally" by that officer; such conduct, "on the part of Lieutenant-Colonel Boyse, being unbecoming of his character as an officer, prejudicial to his Majesty's service, and subversive of all order and military discipline." The Court having taken into mature consideration the evidence on the prosecution, together with what Lieutenant-Colonel Boyse urged in his defence, they most fully and most honourably acquitted him of the crime laid to his charge.

## BOMBAY.

## CIVIL APPOINTMENTS.

*Bombay Castle, June 9, 1826.*—Mr. W. Newnham, Secretary with the Hon. the Governor; Mr. W. H. Wathen, Persian Secretary with do. do.; Mr. D. Greenhill to take charge of the Political and Military Departments during the absence of the Chief Secretary; Mr. A. Steel, Deputy Secretary to the Government in the Judicial and Marine Departments, during the absence of Mr. Newnham; Mr. W. Clerk to conduct the duties of Persian Secretary to Government during the absence of Mr. Wathen.



## MILITARY APPOINTMENTS.

May. 13.—Lieut. C. Denton, 24th N. I., to be Adj. v. Burgess, deceased; Lieut. C. H. Delamain to act as Quarterm. and Interp. to the 3d regt. of Cav.—June 9. Lieut. A. Troward, 14th N. I., to be Lieut. Adj. at Rajpote v. Woodhouse, prom. to a Company; Lieut. C. Teasdale, 1st Grenadier N. I., to be Adj. v. Billamore, resigned; Lieut. H. Spencer, 5th N. I., to be Adj. v. Macan, trans. to the 6th do.; Lieut. Macan, 6th N. I., to be Adj. v. Spencer, trans. to the 5th do.; Lieut. E. Marsh, 10th N. I., to be 2d or Mahatta Interpreter; Lieut. S. C. Speacen, 13th N. I., to be Adj. v. Stuart, trans. to the 11th do.; Lieut. S. C. Stuart, 11th N. I., to be Adj. v. Spencer, trans. to the 13th do.; Lieut. H. F. Hopkins, 16th N. I., to be Adj. v. Penley, prom.; Lieut. H. N. Corsellis, 17th N. I., to be Adj. v. Lukyen, trans. to the 18th do.; Lieut. H. James, 17th N. I., to be Quarterm. and Interp. v. Macan, trans. to the 18th do.; Lieut. J. M. Lukyen to be Adj. v. Corsellis, trans. to the 17th do.; Lieut. H. Macan, 18th N. I., to be Quarterm. and Interp. v. James, trans. to the 17th do.; Lieut. J. Carr, Bat. of Invalids, to be Adj.—14. Capt. H. Jameson is appointed Aid-de-Camp to his Excellency from the 3d of May; Lieut. W. Scott, of the Engineers, to be Assistant to the Executive Engineer of the Poona Division of the army.

*Cadets admitted.*—Cavalry: Messrs. C. F. Jackson and R. H. Richards, prom. to Cornets.—Infantry: Messrs. H. J. H. Christopher, H. Asher, W. T. C. Scriven, L. M. McFadyie, F. Williams, J. M. Mitchell, G. T. Cooke, F. Teynam, C. C. Lucas, C. G. G. Jureiro, H. Dolphin, W. Derman, F. H. Brown, C. Threshie, J. W. Auld, J. R. F. Widdoughby, B. H. Brockett, and W. F. Salmon; all prom. to Ensigns.—Artillery: Messrs. T. W. Hicks and J. E. S. Waring, prom. to Cornets.—Engineers: Mr. Walter Scott, prom. to Cornet.

## MEDICAL APPOINTMENTS.

May 13.—Sen. Assist. Surg. A. Conwell, M.D., to be Surgeon on the augmentation of a Golumdanze Battalion; Dr. J. Strachan to be Dep. Inspector of Hospitals under this Presidency.—June 1. Assist. Surg. M. T. Keays to be Assist. Civil Surgeon, and also Vacemator at the Presidency.—2. Assistant Surg. McMorris to take charge of the Lock Hospital at Bhooj.—9. Assistant Apothecary J. F. Pereira to be Apothecary v. Pedro de Mello, deceased; 2d Native Assist. C. Tucker to be Assist. Apothecary v. J. F. Pereira, prom.; Assist. Surg. Edwards to be Assist. to the Civil Surgeon at Surat.—12. Assist. Surg. Weatherhead is app. to the charge of the medical duties of the Hon. Co.'s cruiser, *Antelope*; Assist. Surgeon. Fifth app. to the medical duties of the Hon. Co.'s cruiser, *Clive*.

## FURLONGHS.

*To Europe.*—June 7. Lieut. Col. J. P. Duabar, 2d Lt. Cav., agreeably to the Regulations; Capt. G. J. C. Paul, 3d Lt. Cav., for three years; Lieut. T. R. Billamore, 1st Grenadier N. I., for three years, on sick certificate: Ensign J. T. Gordon, 19th N. I., do. do.

## MARINE PROMOTIONS.

June 5.—Junior Capt. W. Mainwaring, Acting Commodore, to be Commodore, v. Beaty, resigned; Jun. Capt. W. Bruce to be a Sen. Capt., v. Beaty, retired; 1st-Lieut. D. Anderson to be Jun. Capt., v. Bruce, prom.; 2d-Lieut. J. McDowall to be a 1st Lieut., v. Anderson, prom.; Sen. Midsh. T. Clendon to be a 2d Lieut., v. McDowall, prom.; Jun. Capt. T. Blast to be Sen. Capt., v. Barnes, dec.; 1st-Lieut. J. M. Guy to be a Jun. Capt., v. Blast, prom.; 2d-Lieut. R. Moreshby to be a 1st Lieut., v. Guy, prom.; Sen. Midsh. G. Pilcher to be a 2d Lieut., v. Moreshby, prom.; 2d-Lieut. G. Vernon to be a 1st Lieut., v. Sebright, dec.; Sen. Midsh. H. Warry to be a 2d Lieut., v. Vernon, prom.; Sen. Midsh. H. N. T. E. Pinching to be a 2d Lieut., v. Armstrong, dec.; 1st-Lieut. G. Herne to be a Jun. Capt., v. Maxfield, ret.; 2d-Lieut. R. Lloyd to be a 1st Lieut., v. Herne, prom.; Sen. Midsh. E. Wyhard to be a 2d Lieut., v. Lloyd, prom.; Sen. Midsh. H. Rose to be a 2d

Lieut., v. Davis, dec.; Jun. Capt. P. Maughan to be a Sen. Capt., v. Sealy, dec.; 1st-Lieut. T. K. Terrell to be a Jun. Capt., v. Maughan, prom.; Sen. 2d-Lieut. W. L. Clements to be a 1st Lieut., v. Terrell, prom.; Sen. Midsh. G. Harvey to be a 2d Lieut., v. Clements, prom.; 2d-Lieut. R. Lowe to be a 1st Lieut., v. Pratt, pensioned; Sen. Midsh. W. R. Hayman to be 2d Lieut. v. Lowe, prom.; 2d-Lieut. C. Wells to be a 1st Lieut., v. Robinson, dec.; Sen. Midsh. A. H. Nott to be a 2d Lieut., v. Wells, prom.; 1st-Lieut. C. F. Grice to be a Jun. Capt., v. Herne, dec.; 2d-Lieut. F. W. Powell to be a 1st Lieut., v. Grice, prom.; Sen. Midsh. W. Hodges to be a 2d Lieut., v. Powell, prom.; 2d-Lieut. W. Lowe to be 1st Lieut., v. Powell, dec.; Sen. Midsh. A. S. Williams to be a 2d Lieut., v. Lowe, prom.—13. Lieut. T. H. Broadhead to be a 1st Lieut., v. Wells, degraded.

# KING'S FORCES IN INDIA.

*(From the Indian Gazettes.)*

April 4.—Lieut. R. R. Gillespie, 4th Ld. Dragoons, to act as an Extra Aid-de-Camp to the Governor-General pending a reference made to the Commanding Officer of that regiment; Capt. Greville officiating Brigade-Major at Fort William is to do duty as Quarm.-Gen. of H. M. Forces at Calcutta during the absence of Sir S. Whittingham at Meerut, on duty.

*(From the London Gazettes.)*

## PROMOTIONS.

*4th Light Dragoons.* Cornet and Adj. J. Harrison to have the rank of Lieut.; dated Aug. 13, 1825. Cornet and Riding Master J. Henley from the 5th Drag. Guards, to be Cornet without purchase, v. Villiers, prom.; dated Oct. 5, 1826.

*13th Ditto.* J. L. Moilliet, Gent., to be Cornet by purch., v. Benson; dated Oct. 5, 1826.

*1st Foot.* Staff Assist.-Surg. J. McAndrew, M.D., to be Assist.-Surgeon; dated Sept. 28, 1826.

*2d Ditto.* Hospital-Assist. J. Poole to be Assist.-Surg.; dated ditto.

*3d Ditto.* Assist.-Surg. J. Patterson, from the 52d Foot, to be Assist.-Surg. v. Ivory, prom.; dated ditto.

*6th Ditto.* J. T. Latham, Gent., to be Ens. v. Dumaresq, deceased; dated Oct. 12, 1826. Hosp.-Assist. W. Stewart to be Assist.-Surg.; dated Sept. 28, 1826.

*13th Ditto.* 2d-Lieut. Alex. Grierson, from the 60th Foot, to be Ens., v. Cromie, who exchanges; dated Sept. 27. Hosp.-Assist. J. S. Chapman to be Assist.-Surgeon; dated Sept. 28.

*14th Ditto.* Ens. T. H. Tidy to be Lieut. by purch. v. Cockell, prom. in 2d Foot; 2d-Lieut. E. Chambers, from the 60th Foot, to be Ens. v. Tidy; dated Sept. 28. Hosp.-Assist. R. Battersby to be Assist.-Surg.; same date.

*18th Ditto.* Capt. H. W. Adams, from half-pay, to be Capt. v. R. La Touche, who exchanges, receiving the difference; dated Oct. 12, 1826.

*20th Ditto.* Capt. C. C. Taylor, from half-pay, to be Capt., v. Garrett, prom.; dated Sept. 19. Ens. T. Burke to be Lieut. without purch., v. Pitts, appointed to the 72d Foot; dated Oct. 5. W. Houston, Gent., to be Ens., v. Burke; same date. Hosp.-Assist. T. Williams, M.D., to be Assist.-Surg.; dated Sept. 28.

*30th Ditto.* Hosp.-Assist.-Surg. S. Dickson to be Assist.-Surgeon; dated Sept. 28.

*38th Ditto.* Hosp.-Assist. J. S. Graves to be Assist.-Surg.; dated ditto.

*40th Ditto.* Lieut. W. Williams from the 57th Foot, to be Lieut., v. Moore, who exchanges; dated Sept. 18.

*41st Ditto.* Hosp.-Assist. W. Smith to be Assist.-Surg.; dated Sept. 28.

*44th Ditto.* Hosp.-Assist. A. Smith, M.D., to be Assist.-Surgeon; dated ditto.

*45th Ditto.* Hosp.-Assist. L. Leslie to be Assist.-Surg.; dated ditto.

*46th Ditto.* Lieut. J. Muttlebury, from half-pay 90th Foot, to be Lieut., v. Macpherson, app. to the 35th Foot; dated Oct. 12. Lieut. J. H. French to be Adj. v. Purcell, who resigns the Adjutancy only; same date. Hosp.-Assist. A. Urquhart, M.D., to be Assist.-Surg.; dated Sept. 28.

*47th Ditto.* Hosp.-Assist. S. Lightfoot to be Assist.-Surg.; dated ditto.

*48th Ditto.* Hosp.-Assist. J. Fitzgerald, M.D., to be Assist.-Surg.; dated ditto.

*54th Ditto.* Hosp.-Assist. J. Brydon to be Assist.-Surg.; dated ditto.

*59th Ditto.* Hosp.-Assist. J. Strath to be Assist.-Surg.; dated ditto.

*87th Ditto.* Hosp.-Assist. H. Marshall to be Assist.-Surg.; dated ditto.

*89th Ditto.* Hosp.-Assist. H. Carline to be Assist.-Surg.; dated ditto.

*Allowed to dispose of his Half-pay.*—Lieut. W. Medicott half-pay 67th Foot.

#### FURLONGHS.

*To Europe.*—April 2. Lieut. Anson, 11th Lt. Drags., for two years, for the recovery of his health; Lieut. Hunt, 2d Foot, do. do.; Lieut.-Col. Walker, 4th Foot, do. do.; Lieut. McLean, 89th Foot, do. do.; Lieut. Barnard, 38th Foot, do. do.; Lieut.-Col. Godwin, 41st Foot, on private urgent affairs; Lieut.-Col. Stackpoole, 45th Foot, do. do.; Brevet-Major Crokat, 20th Foot, for the recovery of his health.

*To Sea.*—April 2. Assist.-Surg. Walsh, 89th Foot, for four months, for health.

### BIRTHS, MARRIAGES, AND DEATHS.

#### CALCUTTA.

*Births.*—May 3. The lady of Captain R. L. Laws, of a son. 6. The lady of S. Fraser, Esq., C. S., of a son. 9. The lady of Capt. Timbrell, Bengal Artillery, of a son. 12. The lady of Lieut. J. B. Robinson, 11th N. I., of a daughter. 16. The lady of P. Turnbull, Esq., of a son. 18. At Howrah, the lady of Capt. J. Wise, of the ship *Jungeer*, of a daughter; the lady of G. A. Bushby, Esq., of a daughter.

*Marriages.*—May 2. Mr. R. Oakeshot, H. C.'s Storekeeper at Amherst Island, to Elizabeth, second daughter of the late R. H. Loving, Esquire. 14. Lieut. C. D. Blair, 10th Lt. Cav., to Miss M. C. Creighton. 16. Lieut. J. T. Lane, Bengal Artillery, to Lydia Emma, youngest daughter of the late R. Brychenden, Esq., of Calcutta.

*Deaths.*—May 3. The infant son of the late Jonathan Elliot, Esquire; M. Meller, relict of the late Capt. J. Meller of the H. C.'s Military Service. 5. In Fort William, Lieut. Joseph Hassall, H. M.'s 67th Foot, aged 30 years. 8. Mr. G. Brown, late a First Mate of the H. C.'s Marine, aged 29 years. 10. Capt. H. Bendixen, of Copenhagen, aged 36 years. 13. At Dum Dum, Lieut. J. Brady of the Bengal Artillery, aged 20 years. 14. Mr. S. B. Wood, of the Military Accountant's Office. 17. In Fort William, the infant child of Lieut. Butt, of H. M.'s 1st Royal regt. 19. Lieut. A. J. Miller, of H. M.'s 47th Foot, aged 26 years.

#### MADRAS.

*Births.*—April 27. The lady of Lieut.-Col. Torrens, of a son. May 7. In Fort St. George, the lady of Capt. J. Grant, Paymaster of H. M.'s 19th regt., of a son.

*Deaths.*—May 27. Sophia Philipina, daughter of the late P. Burlton, Esq., of Wickham Mills, Essex.

#### BOMBAY.

*Births.*—May 14. The lady of W. Pritchard, Esq., third member of the Medical Board, of a son. 21. The lady of J. Saunders, Esq., of a son. June 9. At Maragon, the lady of L. F. Silver, Esq., of a son.

*Marriages.*—May 20. At St. Thomas's Church, Lieut. J. S. Rae, 20th Foot, to Henrietta, third daughter of Col. Daly, of Quillon. June 10. A. T. C. Fraser, Esq., Civil Service, fourth son of the late Major-Gen. Fraser, of Ashling House, near Chichester, Sussex, to Anna Maria Barnard, only daughter of the late J. P. Hobson, Esq., Auditor-Gen., Penang.

*Deaths.*—April 12. J. Bouche, Esq., aged 15. May 15. The infant daughter of the Rev. Henry Davies, senior chaplain, aged three months. 23. Mrs. Maria Setastiana Pereira, aged 40 years, widow of the late Joseph F. Pereira, of the house of Pereira and Sobrinho. June 2. At the Presidency, Colonel J. A. Wilson.

#### OUT STATIONS.

*Births.*—April 15. At Muttra, the lady of Lieut. Pennefather, of the 3d Lt. Cavalry, of a daughter. 18. At Teavendrum, the lady of Capt. Haultain, of a son. 27. At Sultanpore, Benares, the lady of Lieut. J. A. Scott, 1st regt. Lt. Cavalry, of a son. May 3. At Cuddalore, the lady of Capt. A. Watkins, 7th Lt. Cavalry, of a son; at Guilon, the lady of Capt. W. P. Cunningham, Major of Brigade, of a son. 6. At Ghazeepeer, the lady of M. J. Lemarchand, Esq., of a son; at Bangalore, the lady of Maj. Macqueen, 36th regt. of a son. 8. At Belgaum, the lady of Lieut. F. Welland, 23d regt. Madras N. I., of a son. 14. At Surat, the lady of Lieut. A. Bell, Acting First Register to the Sudder Adawlut and Sudder Foujdaree Adawlut, of a son. 26. At Poona, the lady of Lieut. T. Probyn, of a son; at Mhow, the lady of Capt. Rybot, 2d Cavalry, of a daughter. 29. At Vellore, the lady of W. M'Leod, Esq., 35th regt., Sub-Assist. Com.-Gen., of a daughter.

*Marriages.*—May 1. W. H. Valpy, Esq., C. S., to Caroline, seventh daughter of the Rev. R. J. Jeffreys, Rector of Throcking, Herts.—12. At Mongheer, Mr. W. Kennedy, to Maria, daughter of the late N. Ledlie, Esq., of Calcutta, attorney-at-law.—20. At Masulipatam, H. Vibart, Esq., of the Madras C. S., to Mary Rose, eldest daughter of the late A. Campbell, Esq., of Ballochyle, Argyleshire.

*Deaths.*—April 29. At Chinsurah, Isabella Jane, youngest daughter of the Rev. W. Morton, Minister of Chinsurah, aged seven years.—30. At Chandernagore, Caroline, the lady of the above Rev. W. Morton. May 1. At Bangalore, T. E. Higginson, Esq., Solicitor of the Supreme Court.—5. At Surat, D. Ormond, Assist. Surg. on the Bombay Establishment.—6. At Bangalore, S. G. Gordon, the infant son of Capt. Hodgson, Brig.-Major, in Mysore. 20. At Camp. Jaulna, in consequence of wounds received from robbers at the village of Nurra, near that place, Lieut. Henry Bennet, 40th Madras, N. I., aged 23 years.

#### EUROPE.

*Birth.*—Oct. 24. At Brighton, the lady of G. C. Holroyd, Esq., of the Hon. E. I. Company's Service, of a still-born child.

*Marriages.*—At Paris, H. E. L. O'Connor, Esq., H. C. Madras Rifles, to Isabella Anna, eldest daughter of the late H. Stackpole, Esq., Captain in H. M. navy. Oct. 21. At St. James's Church, Westminster, Mr. Edward Jenkins, of the East India House, to Mary, third daughter of the late Rev. Wm. Stevens. 21. At St. Pancras Church, Lieut. Curtis Reid, R. N., to Frances, eldest daughter of the late John Duncan, Esq., third member of the Medical Board, Madras.

*Deaths.*—May 5. On his passage from India, Capt W. T. Slade, of the Madras Army. September 26. In London, after a few days' illness, Major Walter Jollie, late of the 4th regt. Madras N. I. Oct. 12. James Shuter, M. D., formerly of Madeira, late naturalist to the H. E. I. C. at Madras. 13. In Bulstrode Street, Mrs. Harris, daughter of the late William Hornby, Esq., formerly Governor of Bombay. 16. at Clapham, aged 37, Mrs. Adamson, wife of Captain William Adamson, of the H. E. I. C.'s Service.

## SHIPPING INTELLIGENCE.

## ARRIVALS FROM EASTERN PORTS.

Date. 1826.	Port of Arrival.	Ship's Name.	Commander	Place of Depart.	Date.
Sept. 27	Off Portsmo.	Asia ..	Stevenson..	Bombay	June 18
Sept. 27	Off Portsmo.	John Dunn ..	Macbeath ..	V.D.Land	April 23
Sept. 27	Downs ..	Henry Porcher	Money ..	China ..	April 13
Sept. 27	Downs ..	Charles Grant	Hay ..	China ..	Mar. 15
Sept. 28	Portsmouth	H.M.S. Arachue	Baird ..	Madras ..	May 29
Sept. 28	Off Portsmo.	Barretto ..	Mathews ..	Bengal ..	May 2
Sept. 28	Downs ..	Lady M <sup>c</sup> Naghten	Faith ..	Bengal ..	May 5
Sept. 28	Downs ..	Promise ..	Gibbs ..	Bombay	April 15
Sept. 28	Off Portsmo.	Olive Branch	Anderson ..	Cape ..	July 20
Sept. 29	Downs ..	Mountaineer ..	Herbert ..	Batavia ..	June 16
Sept. 29	Off Dover ..	Java ..	Buckler ..	Sumatra	June 1
Oct. 2	Off Hastings	Cornwallis ..	Henderson	Singapore	May 7
Oct. 2	Downs ..	Scorpion ..	Rixon ..	Singapore	May 20
Oct. 2	Off Dover ..	Rubens ..	Vesleys ..	Batavia ..	May 20
Oct. 2	Off Dover ..	Minerva ..	Norris ..	Mauritius	June 12
Oct. 11	Downs ..	Neptune ..	Cumberledge	Bengal ..	Feb. 26
Oct. 12	Liverpool ..	Grecian ..	Bouch ..	Bombay	June 3
Oct. 23	Off Portsmo.	Lady Nugent	Coppin ..	Bengal ..	Mar. 6
Oct. 25	Off Dartmo.	Nordlok ..	Brumeyer	Batavia ..	June 22
Oct. 27	Downs ..	Mary ..	Watson ..	Mauritius	July 4

## ARRIVALS IN EASTERN PORTS.

Date. 1826.	Port of Arrival.	Ship's Name.	Commander.	Port of Depart.
Mar. 26	Madars ..	H. M. S. Fly ..	—	England
Mar. 30	Singapore ..	Scorpion ..	Rixon ..	London
April 11	Bombay ..	Grecian ..	Steel ..	Liverpool
April 15	Bengal ..	Hibberts ..	Theaker ..	London
April 22	Singapore ..	Fortitude ..	Bareham ..	London
April 28	Bengal ..	William Young ..	Morrison ..	Liverpool
April 29	V. D. Land..	Woodman ..	Leary ..	London
April 29	Bengal ..	Princess Charlotte	M <sup>c</sup> Kean ..	Liverpool
May 1	Bombay ..	Edinburgh ..	Box ..	London
May 2	Bombay ..	Exmouth ..	Owen ..	London
May 2	Batavia ..	Orynthia ..	Welch ..	London
May 3	Bombay ..	Aber. Robinson..	Innes ..	London
May 3	Bengal ..	Berwickshire ..	Shepherd ..	London
May 5	Bengal ..	Thames ..	Havaside ..	London
May 8	Bengal ..	Runnymede ..	Kemp ..	London
May 10	Ceylon ..	Royal Charlotte ..	Dudman ..	London
May 15	Bengal ..	Ganges ..	Boulthbee ..	London
May 17	Madras ..	Ganges ..	Lloyd ..	London
May 22	Bengal ..	George ..	Clark ..	London
May 23	Bengal ..	Catherine ..	Macintosh ..	London
May 28	Madras ..	H.M.S. Athol ..	Murray ..	England
June 2	Bombay ..	Thomas Coutts ..	Christie ..	London
June 3	Bombay ..	Darius ..	Bowen ..	London
June 4	Bombay ..	Lord Lowther ..	Stewart ..	London
June 4	Bombay ..	Duch. of Athol ..	Daniells ..	London
Aug. 6	St. Helena ..	Kate ..	Watt ..	England

# General List of Passengers.

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## DEPARTURES FROM EUROPE.

Date. 1826.	Port of Depart.	Ship's Name	Commander.	Destination.
Sept. 29	Deal	.. Hebe ..	Foreman ..	Cape
Oct. 1	Deal	.. Camden ..	Reid ..	Bengal
Oct. 4	Deal	.. Minstrel ..	Ariceoll ..	Bombay
Oct. 5	Deal	.. Borneo ..	Ross ..	Batavia & Singa.
Oct. 6	Greenwich	.. Claasman ..	Snowden ..	Bengal
Oct. 8	Newcastle	.. Northumbrian	Davison ..	Bengal
Oct. 13	Deal	.. Wellington ..	Evans ..	Madras
Oct. 13	Deal	.. Pero ..	Rutter ..	St. Helena
Oct. 13	Deal	.. Ketswell ..	Armstrong ..	Cape
Oct. 18	Falmouth	.. Luna ..	Knox ..	Cape
Oct. 22	Leith	.. Ellen ..	Patterson ..	Cape and Bengal
Oct. 22	Deal	.. Maria ..	Clark ..	Batavia & Singa.
Oct. 26	Deal	.. Hussaren ..	Gibson ..	Cape

## GENERAL LIST OF PASSENGERS.

### PASSENGERS HOMEWARDS.

By the *Windsor Castle* :—(Condemned at the Mauritius,) Capt. Hogg, H. M. 6th regt. Mrs. Hogg ; Mr. and Mrs. Crow ; Capt. Collinson, Bombay Marine ; Lieut. W. Hunt, Queen's Royals.

By the *Asia*, from Bombay :—Capt. R. Backhouse, Madras, N. I. ; Ensign Gordon, Bombay N. I.

By the *Charles Grant*, from China :—Mrs. Turing and two children.

By the *Olive Branch*, from the Cape :—Mr. Daniel Dixon ; Rev. and Mrs. Wentworth ; Mr. John Finlay ; Mrs. Hart.

By the *Henry Parker*, from China :—Mr. Daniel Harrington.

By the *Baretto*, from Bengal :—Mrs. Mathews ; Dr. and Mrs. Marshall ; Mr. A. Marshall ; Capt. and Mrs. Browning ; Capt. Smith ; Master and Miss Smith ; Capt., Mrs., and Master Snow ; Mrs. and Miss Cairne ; Lieut. and Mrs. Crane ; Lieut. and Mrs. McKelly ; Capt. Hall ; Mrs. Jones ; Lieut. Horne ; Mrs. Cazadine ; Mrs. Seaudred ; Mr. Johnson ; Miss Marshall.

By the *Neptune*, from Bengal and Madras :—Messrs. Hawker, Gowan, Lord, Ansell, Lushington, Cuppage, Grindlay ; Misses Lord and Paske ; Mr. Atkinson ; Major-Gen. Hawker, G. Gowan, Esq., Major Crokats, Mr. Bannerman, and Capt. Slade, Lieutenants Peppercorne, Fairbrass, Fullerton, Buchanan.

By the *William Harris*, from Ascension :—Lieutenants James and Bennet ; Mr. Davis, Surgeon, R. N. ; Mr. Power, Assist.-Surg. R. N.

By the *Mountaineer*, from Batavia :—Capt. and Mrs. Snodgrass.

By the *Minerva*, from Mauritius :—Mr., Mrs., and Miss Montgomery.

By the *Lady Nugent*, from Bengal and Madras :—Mrs. Thomas and three children ; Mrs. Deneir ; Lieut. Ponsonby, 2nd Bengal Cav. ; Lieut. Moffatt, 7th ditto ; Lieut. Hughes, 44th N. I. ; Mr. Barkingyoung and two children, from Madras ; Lieut. Alldritt, Madras Artill. ; Mr. Assist.-Surg. Edwards, 13th regt., died at Sea, 14th of May 1826.

## NOTICE TO SUBSCRIBERS.

**THE** great length to which the Report of the **LIBEL CASE**, given in this Number, has extended, and the haste in which it has been necessarily got through the press, will occasion the Work to be delivered, probably, to its Subscribers in a less dry and perfect state than usual, as to the mere execution or manner of its getting up by the Printer and Binder : which, if it should happen to be the case, will, it is hoped, be excused.

The Editor takes this occasion to observe, however, that being unwilling to burthen the supporters of the Work with any portion of the expense incurred in the noting, drawing up, and printing of this voluminous Report, he has given in this and the preceding Number, as will be perceived by a reference to the figures at the top of this page (470), **SEVENTY PAGES OF CLOSELY PRINTED MATTER, OVER AND ABOVE THE STIPULATED QUANTITY** pledged to be furnished in each Number, (namely, two hundred pages,) which should make the present Number end at page 400, and thus incurred an **EXTRA EXPENSE** of little short of **ONE HUNDRED POUNDS STERLING** out of his own pocket alone, for the sake of placing before his readers the most complete Report of these proceedings that labour and money could procure.

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## REVIEWERS REVIEWED.

*Strictures on Indian Affairs—Blackwood's Magazine—The British Critic—and The Monthly Review.*

THERE are some subjects, in the discussion of which, Truth receives as much aid from those who oppose as from those who advocate its interests; and to this class of subjects the affairs of India certainly belong. It is for this reason, probably, that the Government of that country, whether wielded by the Company's Servants abroad, or by the Directors and Board of Control at home, has been uniformly conducted on the principle that darkness is better than light, mystery better than intelligible policy, and concealment better than publicity. Their *beau idéal* of a perfect administration is the breathless calm of unmurmuring and unresisting submission, which they call tranquillity and content. They seem to have adopted the Asiatic maxim now grown into a proverb: that "to remain stationary is better than to be making progress—to sit is better than to walk—to recline is better than to sit—to sleep is better than to wake—and the undisturbed repose of death is best of all." This is the climax of happiness to men who, bound in the adamantine fetters of caste, have no hope of elevation in the scale of being; and to whom the future is therefore a dreary waste; the produce of whose labour is annually absorbed by the never-ceasing drains of despotism; and to whom the past is therefore full of painful images, and the present only affording enjoyment when it yields a release from interminable and hopeless toil. The same motives and the same views appear to actuate the British rulers of the Asiatic world. Held by a chartered tenure, which there is no reasonable ground of hope to see extended or renewed, the present possessors of that vast region, like the members of an Indian caste, can never expect to be greater or more elevated than they now are. They may lose their present rank, either partially

by expulsion from the caste to which they belong, or wholly by the utter annihilation of the caste itself, when its chartered privileges shall return to the community by which they were originally bestowed; but they cannot look forward to possess greater advantages than those they now enjoy. They may descend, but they cannot aspire to be exalted above the station they now fill; and thus, with them also, inaction is better than exercise; stillness better than innovation; and perfect silence and repose are best of all.

It is not, therefore, without reason that the governing powers of India have invariably opposed every attempt made to promote investigation into the state of their affairs. From the earliest period of their incorporation as a body, the name and person of an "interloper," the term by which every new and unlicensed visitor to the shores of India was formerly designated, was one of the most odious in their eyes: he was hunted from their soil with more cruelty and ferocity than the same individuals would evince in their pursuit of the wolf or the tiger: the act of a fellow-countryman daring to set foot on their hallowed territory without permission in writing from the lord of the estate, was a crime punishable with immediate arrest, imprisonment, and transportation, without trial or appeal; and, to the disgrace of the name of England, even now, when the Legislature is sacrificing the interest of millions in our own country to promote freedom of intercourse and freedom of trade with every foreign state and nation on the habitable globe; even now, when British subjects may settle freely and pursue their career of honourable industry in every part of Europe, Africa, and America, not merely without interruption, but in general with a welcome reception and even encouragement from those whom they have been taught to regard as their natural enemies rather than their friends—India, our own by right of conquest, and for the cost of which conquest and retention every Englishman has paid, and continues to pay dearly—India, the country which every British subject has as much right to consider his own as any portion of the island that gave him birth—India *alone* is closed to his enterprise, his capital, and his skill. Nay more, India is not merely the *only* country on earth in which he cannot settle without a written permission from the persons holding it in trust for the nation of which he is one; but it is closed *to him alone*! All other men may visit it without obstruction. The French, the Dutch, the American, the Chinese, the Negro, the Malay, the Hottentot, or the Turk,—all these may enter freely, may conduct whatever operations of commerce or industry may seem best to them, without hindrance or molestation. But the free-born, tax-paying, free-trading Englishman, who is received with open arms in every other quarter of the world, may not, dare not, touch the soil of India without a license! The law has made it criminal for him to breathe

the air of Hindoostan without a written authority from the twenty-four Directors of a trading Company ; and every British subject residing or sojourning in any part of that Company's dominions, without such license, supposing him to be performing the most signal services to his country, or to be in the innocent and harmless condition of one asleep or in a trance, has been declared by high official authority to be " in the hourly commission of a misdemeanor at law," for which he may be instantly seized, imprisoned, and transported, as a felon, back to the land from whence he came, without the hope of redress, though total ruin to himself and all his dependents may follow this cruel procedure. Even more than this ; supposing him to be possessed of all the documentary authority that the law has declared necessary, and to go out fortified with all the licenses and permissions that the Court, the Board, or even the Parliament of England could afford him ; no sooner should he have set his foot upon the shores of the Ganges, than he might on the very instant, without offence being committed by him, without reason being assigned by his oppressor, have all these warranties torn from his possession, or declared to be forfeited, and he himself banished from the country, to settle in which he may have sacrificed all his other prospects in life, on the alleged ground of his being unpossessed of the authority of which the Government of the country itself had forcibly deprived him!!

This is the state of India, and of Englishmen residing in it at the present moment. No wonder, therefore, that all inquiry into a system, founded on such injustice and absurdity, should be deprecated by those whose interests and privileges are so interwoven with this system, that any alteration of the one is likely to be followed with the destruction of the other. No wonder that a free press in India, or Parliamentary investigation in England, should be so much dreaded and decried by those who profit by the abuses which each of these powerful agents would bring to light. But that public writers, lamenting the apathy of the British public to the vast interests of the Indian empire, detailing the imperfections of the system by which it is ruled, proclaiming the danger of its present position, and advocating inquiry and reform ; that such men should see and act upon the advantage of discussion in *this* country, where the interest is so faint, the facts so imperfectly known, and evidence so inaccessible and imperfect, and yet decry the advantage of discussions *on the spot*, where none of these obstacles to the discovery of the truth would exist, is one of those inconsistencies, in the reality of which it is difficult to believe, and would be altogether impossible to credit from the relation of another, were it not placed in the clearest and most unequivocal manner before our eyes.

The first inconsistency, that of opening India freely to all foreigners, and shutting out the English only from participation in its wealth, would alone be paralleled by the Parliament declaring that

the British Museum—to support which every Englishman pays his portion in taxes—should be freely open, night and day, without fee or reward, to foreigners of every nation; but that no British subject should ever visit it without a license from the twenty-four trustees or directors, to be obtained only by great personal interest, or purchased by a large sum of money; but that even then the resident manager of the Museum, though he could not hinder any foreigner from visiting every part of the National Institution, might, as soon as any Englishman had crossed the threshold of the outer court, take away his visiting ticket, or declare it forfeited, without offence or without reason assigned, and send the individual back to the place from whence he came, though it were 20,000 miles distant; though he had left his home for no other purpose than to visit this repository of the treasures of science, and had sacrificed time, money, and brilliant opportunities of doing other things, to accomplish this long-meditated and anxiously perilous visit. The second inconsistency, that of recommending investigation and discussion on the affairs of India in England, and decrying every attempt to carry these on upon the spot, is as if the British Parliament were to remove to the mountains of Hindoostan, and there legislate for England, permitting the most ample discussion here of every thing relating to India, and the fullest discussion there of every thing relating to Great Britain; but never permitting either country to be the scene in which its own affairs should be debated, nor suffering any measure or event to be commented on until several years had elapsed, and all the mischief of which it was capable had been already thoroughly experienced. This is the wisdom of the nineteenth century; and all who do not yield implicit assent to its profound and exalted character, have the distinction of being set down by those self-approving sages, as “incorrigible ninnies,” or “canting democrats,” wishing to “destroy established institutions,” and to “dim the lustre of the brightest jewel in the British crown.”

This is not very encouraging, it must be admitted. But, as we remarked before, the very advocates for suppressing all discussion in India prove incontestibly its importance and its necessity by the very arguments used by them to show its danger; they put into the hands of those they would destroy, unconsciously however it would seem, weapons that must be turned upon them to their own destruction; and it is some consolation, therefore, to know, that as long as ever writers are to be found to uphold the present system of suppressing inquiry and evidence on the spot, as it regards the affairs of India, so long will they themselves furnish arguments that will progressively awaken the nation to a sense of the necessity of adopting the very policy they labour to deprecate, and thus promote the very end which it is the chief aim of their labours to defeat.

On this ground we always hail with satisfaction the appearance

of any work, stricture, or review on Indian affairs. It is almost matter of indifference to us what description of policy it advocates; or, at least, we should much prefer a continued succession of works advocating even error, than an entire absence of all publications on the subject. Let them be written with the greatest talent that the nation can produce; and let the evil genius of prejudice and bigotry, which is not unfrequently the ally of talents of the most persuasive kind, preside over every page, still we do not fear the result. Facts must transpire even in such productions, and facts are all that are necessary to be known, to lead in time to the adoption of a better system. The Indian authorities know this well, and, therefore, like true "children of the world," they are "wiser in their generation than the children of light." They carefully abstain from all discussion but that which is forcibly wrung from them. Their less prudent advocates depart from that example, and we rejoice at it; for, from *their* advocacy of error, truth will gain ground, and a thousand eyes, which they would delude if they cannot entirely close, will be opened to perceive, in all their nakedness, the very defects which it is their especial object to gloss over or to conceal.

We have been led into these observations by the appearance, within the past month, of three separate reviews of Sir John Malcolm's 'Political History of India,' in the three Periodical Journals named at the head of this article. We have not lost sight of Sir John Malcolm's work itself. But, as it is, not one of those productions of which a satisfactory abstract can be given, and as there is no immediate apprehension that the interest of the subject will die away, we prefer waiting till it shall have been generally read, that we may discuss some of its peculiarities with the advantage of the doctrines we mean to oppose being sufficiently known to render advertence to them more generally intelligible. In the mean time, however, we are not unmindful of the History of India, nor of the importance of its being familiarly known to the community at large, before the discussions respecting the Company's Government there shall commence, as they will, in a few years, in the senate of the nation. The series of articles, now in the course of publication in our pages, will include a 'Sketch of the Rise and Progress of the British Power in the East,' from the earliest period of its history up to the present time; and to these it is our intention to add a series of chapters on the principal defects of the present system of government, with specific proposals for the several reforms required, so as to have the whole subject fairly brought before the nation, and collected into an easily accessible form, in sufficient time to meet the general demand which must arise for that description of information about the period at which the discussions respecting the renewal of the East India Company's Charter will commence. In the interval that has yet to elapse, we shall embrace every opportunity that

may present itself of amassing materials for the judgment of the world, and mark, as we go along, the progress made in public opinion on the topics which, from time to time, will pass under its review. In the execution of this task, we proceed to examine the articles already adverted to, as found in the several Periodical Journals of the day, beginning with that of 'Blackwood.'

In introducing his remarks on the 'Political History of India,' by Sir John Malcolm, the writer takes occasion to dwell on the ease of governing any single nation, even if it be as populous and as enterprising as Great Britain itself, provided it has no extended conquests or foreign dependencies to manage, thus furnishing a very strong argument in favour of what he either does not perceive, or abstains from recommending, namely, the superiority of self-government, to a government by deputies over which neither the governing power who appoints, nor the enslaved people over whom they rule, have sufficient control. If it be, on the other hand, a matter of extreme difficulty (and who would presume to deny the fact?) to govern well an immense empire, far removed from the chief seat of authority, filled with people of every variety of creed and character, and almost illimitable in its extent, the remedy would certainly be—and if good government were really the object of ambition, the remedy would be adopted—to revert to that state of single, or independent, or self-controlling government, which is admitted by the same authority to be so easy to conduct advantageously. But this, though inevitable from the premises, is not an inference which any writer in 'Blackwood' would willingly put forth. The logic of that school is of a different stamp. The writer of the article before us, for instance, begins by saying—

"The history of the whole world, and the principles which regulate human nature, alike point out, that from the moment the bounds of an empire have passed beyond *certain limits*, any addition to its magnitude, so far from contributing to its strength, only weakens the tie which holds its separate parts together, and brings it nearer and nearer to utter destruction."

What those "certain limits are," is not stated; but as all parties seem agreed that they have been long since passed by the extension of our territorial conquests in India, it is clear that the safest way to regain strength and prevent approaching dissolution would be to retrace our steps, till we came back within the proper limits again. The writer, however, goes on:

"Under these circumstances, no truism can be more self-evident, than that, in exact proportion to the extension of their authority, ought the vigilance and attention of the rulers of great empires to be exerted."

Now a stronger argument than this in favour of free investigation, discussion, and exposure of all abuses in such an extended empire

as that of India could not have been adduced by the most determined friend of republicanism. It is not so meant; but, if it be true that the more extended the authority of rulers, the greater vigilance should be exercised over their conduct: then, it is undeniable that the rulers of India, having much more extended authority than the rulers of England, require to be more narrowly watched than these: a principle for which, as friends of a free press in India, we have always contended, and which the avowed opposers of that freedom now come forward to confirm!

This writer, who thinks that in a single province, where there is little danger of foreign aggression, its rulers can have little to do but to sit still and let the people *regulate their own proceedings* by the most intelligible and safest of all modes, "the custom of their fathers," does not seem to recollect that if this rule were followed, it would lead to the establishment of as many small, but independent republics in India, as there are provinces now subject to one great sway. It is not this that he desires to see. He admits that its extended government is an evil and full of danger, but he does not even glance at the converse of the proposition that condensed and limited dominion is a good—and most conducive to safety; for while, on the one hand, his arguments would bear the fair interpretation that the safety and welfare of England is endangered and encumbered by the extent and variety of her foreign dependencies; on the other, he broadly contends that the loss of these incumbrances would not merely place England back into the position she occupied before her possession of them, but sink her infinitely lower in the scale! This is, to us, we confess, unintelligible. The loss of an evil—such as an extended empire—must, we should have thought, have been a good; and if examples were wanting, we should unhesitatingly say, that the separation of America from England has been not merely an advantage to the former country, but also to the latter, inasmuch as it has given to her all the benefit arising from increased commercial intercourse with the New World without the expense of governing it; and few will deny, least of all the loyal writers in Mr. Blackwood's train, that England has not "sunk infinitely lower in the scale of nations" by her loss of America, but has, on the contrary, risen in greatness from that moment progressively onward to the present. If this has been the case since the separation of a power, now trained up to dispute with us the sovereignty of our own peculiar element, what have we to dread from the separation of India, which never could become our rival, as America has been, either in arts, in commerce, or in arms? The proximity, in point of situation and position on the surface of the globe, the similarity of latitude, soil, climate, language, manners, habits, &c., made it highly probable that America would become the rival of England in natural productions, and in manufactures, as well as in naval commerce and warfare. And yet



her separation from the Mother Country has been beneficial to both. Not the smallest probability of such rivalry in any one of these particulars exists between England and India, should the latter become independent to-morrow. England can never grow the sugar, cotton, rice, indigo, pepper, coffee, and other tropical productions for which India will ever be the great storehouse of the world. India can never produce the minerals, the manufactories, the hardy races of soldiers and sailors, the industrious habits and the ever-stirring spirit of competition for which England, by her soil and climate, religion, and civil institutions, has been, and will be, for ages yet renowned. By the separation of America, England *might* have lost the command of her markets, as the latter might, under severe self-denials, have both grown and manufactured for herself. By the separation of India no such loss *could* happen, because we have it already in our power to produce, by our superior skill and machinery, the very articles in greatest request in the tropics, infinitely cheaper than the people of those regions, who furnish us with the raw material, could do it for themselves; and that we cannot, if we would, raise in our own country the tropical productions, for which we ever have been and long must be dependent entirely on them. Can any one suppose that the Americans, who trade with China as freely and as largely as they please, without paying more than the salary of a single resident there to represent their nation, do not derive infinitely greater advantage from the intercourse with that country than the English, who keep the whole nation, except the East India Company, from trading at all with China, and who, even to do this, maintain an extravagant establishment there, large enough to form the Court of the most friendly and powerful nation? If China were open to the free trade of all Englishmen, which it will no doubt soon be, we should find that country of infinitely more value to us while it received our manufactures, and gave us back its silks, nankeens, and teas, without our being required to keep an immense civil and military force to retain the country as our own, than if we took possession of it entirely, as we have done with Hindoostan? And if this would be the case with China, why not also with India? to which exactly the same arguments apply. But there is not sufficient interest awakened to the subject to have a ready answer to questions like these. Let the public feeling and attention be roused, and this is gradually approaching nearer and nearer, and we shall then see them answered satisfactorily, with expressions of wonder that they could have so long escaped the attention of reflecting men. The fact of this indifference, or apathy to Indian interests and affairs, let it arise from what cause it may, is no where disputed; all parties begin with lamenting it, and even this is pleasing, as a symptom that, the evil being perceived, there is some prospect of a remedy being in time applied. On the subject of this apathy, the writer in 'Blackwood' thus expresses himself:

" There is nothing connected with the policy of this great nation more remarkable, than the degree of apathy which her rulers, and, indeed, her people generally, appear to experience, with reference to the affairs of the most important of all our dependencies, the Eastern Empire. At a moment when the influence of Great Britain is felt and acknowledged over the whole continent of India ; when an hundred millions of people, divided from our shores by the distance of half the globe, directly own our sway ; when not three hundred millions only, but millions upon millions besides, who dwell under the nominal rule of their Native princes, look to us as the arbiters of their destiny, and the guardians of their happiness ; and, above all, when it is avowed that the loss of this influence would affect us more materially than almost any other calamity which could occur, it is not more melancholy than surprising, to behold the utter neglect with which every question relative to the proper management of British India is treated, and the utter nausea with which the proposed agitation of such a question is met. There is not a single subject of political economy which seems not to be regarded, both by the public and legislature, as far more worthy of discussion. Do the Roman Catholics aspire at political power, their claims are patiently investigated, and the whole kingdom is kept in a state of ferment while the investigation is going on. Does some new freak for the regulation of any branch of trade or manufactures enter the head of the minister, it is brought forward, examined in all its bearings, argued *pro* and *con*, till we grow weary of arguing about it ; and all this with a spirit certainly not to be condemned, but which is as certainly never displayed in the discussion of an Indian question. Nay, nor need we confine ourselves to points so important as these. A riot in one of the manufacturing districts, a seditious harangue or two from Mr. O'Connell and his colleagues, an excursion of the White Boys, or the burning of a shieling in the sister isle ; one and all of these topics, let them come on the tapis when they may, are treated as things of infinitely more moment than the gravest consideration connected with the affairs of India, or the welfare of its industrious, inoffensive, and most patient population."

All this is undoubtedly true. Would the reader wish the enigma solved ? for an enigma it must appear to him, without some explanation. The whole secret is this : There is no single subject of political economy that can be discussed, to which the passions of thousands are not immediately roused by their having *property* at stake in the issue. The discussion of the Catholic Question raises intense interest, for the same reason ; because the Protestant clergy regard their *property* as well as their power in danger, and summon not merely their own body, but all its innumerable adherents, to the fight. A rebellion in the West Indies affects the *property* of hundreds of planters, who flock down, peers and commoners, to the Houses of Parliament, to look after the interests of their estates.

A riot in a manufacturing district, in like manner, affects the *property* of some large class in England; and the discussion of the corn-laws and tumults in Ireland are in reality things of much greater moment in the eyes of the people of England generally than any thing which could happen in India; for in these the most important fluctuations in the value of *property* is involved, and therefore public attention is drawn to the subject. Even the proceedings of the new republics of America, and of the mining adventurers conducting their enterprizes there, are all regarded with infinitely greater interest than any thing connected with Asia, because there is a large class of people whose *property* is affected by the movements of Bolivar or Paez, the transport of dollars from Mexico to Vera Cruz, or the nature of the latest despatches from Columbia. Even the affairs of Greece, about which so little has been said or done in the spirit of those who love freedom for its own sake, unconnected with gain, have never made half the noise they have occasioned since the bondholders took up the question of the loan, to see how their *property* would stand affected by the issue. This is the only lever by which the present race of Englishmen appear capable of being moved; and it is precisely because this does not touch them in any manner in the fluctuations of Indian affairs, that they are so utterly indifferent to them. There is no other reason, and the remedy is therefore easy. If it be desirable that the apathy now so universally complained of should be removed, let but the Colonization of India take place—let there be East Indian landholders living in England on the produce of their estates, as there are now West Indian and Irish landowners in the two Houses of Parliament—let the people of England be directly made to feel, by an increase of specific taxes, the evils of one course of policy, and the benefit, by a direct remission of taxes, of an opposite course of policy in India, and we should soon find the rich and the poor as clamorous as they are now indifferent about the matter. But while whatever happens in India neither affects their purses nor their comforts, any more than if it happened in the moon, as far as they can perceive the direct connexion of the measures and their effects, they never will take an interest in Indian affairs, nor is it reasonable to expect they should. This is the grand secret: and when *property* can be brought into the scale, the whole matter will wear a very different aspect. The writer in ‘Blackwood’ goes on to say:

“We sincerely hope that matters will not be permitted to continue thus much longer. It is sufficiently disgraceful to us that we have allowed upwards of thirty years to elapse without any serious inquiry being instituted into this momentous subject; it will inflict a stain upon our national character, such as we shall never be able to erase, if we suffer many more years to pass by in a similar state of inactivity. For, not to dwell too much upon the selfish side of the picture, the vast importance of India, in a commercial and finan-

cial point of view, to Great Britain, we never ought to conceal from ourselves, that in the eye of HIM who has given India into our hands, we are awfully responsible for the happiness of the people who inhabit it. If our Government be, what it ought to be, calculated to advance them in the scale of civilization and prosperity, then shall we be able to boast, let our dominion end when it may, that at least it sought the object which all governments are bound to seek ; if, on the other hand, it shall prove to have had a contrary tendency ; if, either through prejudice, or mistake, or design, or even ill-directed zeal, we shall be found to have produced no good, and *therefore much evil*, then shall we fall, not only unpitied by others, but absolutely incapacitated for pitying ourselves."

This is a language which it is of little or no use to address to the British nation, to that portion of them especially who are likely to form the majority of Mr. Blackwood's readers. They have no influence to turn the scale either one way or the other. It ought to be daily rung in the ears of those who hold the destinies of the country in their hands, who sit upon the throne of power in India. It is *there* that this doctrine should be preached : it is there alone it would be of much present benefit to see it acted upon. But, any man who should dare to hold this sort of language, and accompany it with any proof of the rulers of that country neglecting the duty here said to be so sacred and so imperative, might risk being ruined for his pains. Apathy and indifference are just what the men in authority there desire ; and any attempt to rouse the community from their happy lethargy, even in terms in which the writer we have quoted would no doubt approve, would be punished as a sort of treason against the tranquillity of the state. He proceeds :

" It is, however, sheer folly to talk about the wisdom and humanity of speedily taking the Indian question into consideration. The Indian question will be considered, and must be considered, before long. Let our legislators shut their eyes against it if they please ; let senators and people flatter themselves that, because the late mutinies have been suppressed, the late seditions appeased, and the late wars brought to a most unexpectedly successful issue, that therefore all is well throughout India ; let them boast of our extended influence there, and infer from these premises, that our dominion has increased in stability as it has increased in magnitude ; let this be done by all means ; but if it be, then are Christopher North and his coadjutors no true prophets, if the delusion be not speedily dispelled, and that with a vengeance. Our decided conviction is—and we give it without any attempt at circumlocution—that *the empire of England in Asia never stood in so perilous a predicament as at present*. Short as its duration has been, the seeds of decay have existed in its bosom for years ; and these have only come the faster toward maturity, as the outward limits of the empire have been extended."

We need add nothing to this disclosure, which, considering the quarter from whence it proceeds, may be regarded as a sure indication that it is agreeable to the existing ministry to have the present state of India represented as insecure, and its present government as inadequate to the management of that great trust, of which it is, doubtless, their intention to relieve the East India Directors at the end of their present charter. If any doubt remained of this, we might turn to many passages in the article under revision, in which this imperfection of the present system is broadly stated.—In one passage, the writer says, “For that the present system of government is inadequate, and the authorities to whom it is intrusted are incompetent, and the laws by which it is administered ill calculated to secure the prosperity of a great empire, is a fact which all who are acquainted with the subject must allow.” There is no doubt of this in our minds; and yet, a writer in India, who should dare to point out any one of the members of council as incompetent, (though here the whole of the authorities are so declared to be,) would be banished from the country for uttering so disagreeable a truth; though it is clear that *there* is the only proper or useful place to proclaim the fact, if it is fit to be proclaimed at all.

After repeating the same accusation of incompetency against both the Directors and the Board of Control, (p. 703,) the writer falls into the following, frequently repeated, but not on that account at all the more accurate, summary of the difficulties which stand in the way of getting more competent authorities to fill the place of these incompetent ones:

“When we consider how complicated the affairs of India are—how totally different the entire science of Political Economy, which is applicable to the state of society there, from the science which is acted upon, and ought to be acted upon here—when we farther look to the masses of documents which must be perused, ere a man is capable of forming any opinion on the questions, which in that Board are continually brought before him, we must admit, that a system which authorises, and even invites, the only efficient members of the Board to look upon themselves as mere birds of passage, is, and must be mischievous, inasmuch as it furnishes them with a fair excuse for indulging in that indolence, to which all men are more or less naturally addicted.”

There is no doubt that indolent men are glad to be justified in their indolence by these or any other excuses that can be urged in their behalf; but the truth is, that the difficulties here enumerated as standing in the way of a right understanding of Indian affairs, exist only in the imaginations of those who originally conjured them up, or those who through mere imitation repeat them without reflection. There is not half the complication in the affairs of India that there is in those of England. The science of political economy is as applicable in all its doctrines to every province of India

as to the counties of Great Britain. And as to the masses of documents which the writer here supposes necessary to be read before a man can be capable of forming any opinion on questions brought before him relating to India, it would be just as reasonable to suppose that no jurymen could come to a decision as to his verdict in any given case without reading the whole of the statutes at large. If it be the history of the country that is necessary to be thoroughly understood, Mr. Mill is as easily read as Rapin or Hume. If it be the financial condition of the country that requires to be fathomed, the state of India is, in this respect, as easy to understand as that of England. And if it be the religions or the laws of the several sects and classes inhabiting our possessions in the East, the former are fewer in number and less varied in character than the religions professed and practised in Great Britain; and the latter are to be found in at most about half a dozen volumes, while in England, the new laws that are passed during every session of Parliament, are more voluminous than either the Koran of Mohammed, or the Institutes of Menu taken together. If any man in this country should venture to give his opinion on the Slave Trade, or the Corn Laws, or on Catholic Emancipation, no one would be senseless enough to insist, that unless he had read all the various books, pamphlets, speeches in Parliament, debates and controversies, official and unofficial, that had ever transpired on these subjects for the last fifty years, he ought not to be considered capable of forming any opinion worth hearing. The same exercise of an unbiassed judgment, founded on the dictates of reason and common sense, would enable any man to form as sound an opinion on a question of Indian, as on one of British policy. The great principles of justice, the wants and desires of man, the leading motives of action, and the influence of human hopes and fears, are nearly the same in every country; and these are the broad foundations on which every wise and just system of government must be built. A profound knowledge of these, and of the proper mode of framing institutions so as to produce out of their application and observance the greatest portion of happiness to the greatest number of beings, may be as well acquired in England as in India, in the studious and contemplative retirement of private life as in the busy scenes and corrupting atmosphere of office and power; and it is, therefore, a fallacy to suppose that, except in a knowledge of the mere forms and ceremonies of official routine, a President of the India Board could be at all the more valuable in proportion to the length of time he filled his office. What is wanted in all heads of departments is impartiality, fear of public censure, zeal, and an ambition to distinguish the period of their administration by some great and good measure. To all these, length of service in the same office is fatal, and frequent change most highly conducive. If the President of the American Republic, the Lord Mayor of London, or the Chairman of the East India Company, were each to be sure of their places

for a long series of years, they would be much less zealous in the discharge of their public duties, than under a system of frequent removal and succession. And if the Chairman of the East India Directors requires changing every year, which the practice of the Court, at least, declares to be necessary, upon what imaginable principle can it be well to have the President of the India Board kept in office for life, the subjects submitted to the consideration and decision of each being identically the same? The writer of the review in 'Blackwood' will, perhaps, answer this question in some future Number of that work. In the mean time, we proceed with what he offers as a proof of the impolicy of change and the necessity of permanency, from which we shall draw some unexpected conclusions. He says:

"Though the Board of Control was established so early as 1784, and though it assumed, in appearance at least, a very efficient attitude in 1793, nothing in point of fact was done by it, nor did the statesmen who composed it either know, or profess to know, anything of the interior management of India, till the year 1807. And whence came it, even then, to arrive at something like information, and to take something like an active part in the administration of Indian affairs? Not, good reader, on account of the diligence or zeal of any one of the officers on whom all responsibility rested, but because there chanced to be in the office, as a clerk, a gentleman, whose active and vigorous mind prompted him to struggle with a thousand difficulties, and whose perseverance overcame them. It is to the exertions of James Cumming, Esq.—no commissioner holding high rank, and receiving a rich salary—but a mere clerk, at the head of the Revenue and Judicial department, that the Board and *the country* are indebted for any knowledge which may now be possessed, and any useful interference which may now be exercised, by this controlling body, in the internal government of India. Till *he* took the matter up, no one dreamed of inquiring whether things were going on aright, or the contrary: and he was enabled to take it up, only because his situation, with that of other clerks, was not liable to be filled by a stranger. as often as the Minister might take it into his head to desire a change. But a system which thus compels the responsible officers to look to officers who are not responsible, for information and instruction how to act, is surely not one which any thinking person will defend."

We consider the facts here stated to be highly probable. But what a picture does it present of the indolence and incompetency of our public servants generally! It is clear from this, that "high rank and rich salary," instead of being, as they are constantly pretended to be, by the bestowers of them on their favourites, a "guarantee" for zeal, ability, and the faithful discharge of the public duties, for the pretended fulfilment of which such rank and

salaries are given, are nothing more than bounties on indolence and indifference. It is the *mere* clerks, as they are called, in most of the public offices of England, who do the *duties*, but the men of rank receive the *pay*. In the case of Mr. Cumming, it is undeniable that if HE had been elevated, as under a good government that regarded fitness for office as the highest qualification he would have been, to the chair of the President, he would then have combined in his own person the united advantages of competent knowledge and chief responsibility. But to put aside ignorant men of high family interest and connections, to make room for talented men of low origin with no parliamentary influence, would be an act of virtue far above the present enlightened age and country; and such as no public functionary in England could be found to perform. What is the course pursued? Mr. Cumming, the sole depository of the zeal and information in which all the good done at the India Board originated, is pensioned off in retirement; and his indolent and ignorant superiors, who, without his being constantly at their elbows are admitted to be totally inefficient, are still continued in their offices, with the "high rank" and "rich salaries" that are in reality given them for their political subserviency to the minister of the day, though professedly for duties which their own eulogist here admits them to be incompetent to perform.

Another reflection arises out of this subject, which should not be passed over. If Mr. Cumming, a *mere clerk* as he is called, from his bare perusal of the ex-parte documents detailing the proceedings of Government in India, could, notwithstanding all the imperfect and disadvantageous circumstances under which these proceedings came before him, acquire so much useful knowledge, and by the application of it effect so much good by his counsel and advice at the India Board in London—how much more accurate and extensive would be the knowledge acquired by men, of minds not inferior to Mr. Cumming, in India itself, if the proceedings of its Government were there made public through the press—not ex-parte only, but subject to that scrutiny, counter-evidence, comment, and even refutation, which many statements would no doubt there receive, but which can never be investigated fairly here: because, in the documents sent home by the Government of India to their superiors here, it is generally they alone who speak, and all counter statement to their own is either forbidden, and therefore does not appear on the spot, or, if it appears, is either sent home in the most partially garbled form, or suppressed altogether. Entire publicity and perfect freedom of discussion in India would do more good in a single year, than all the labours of a hundred such men as Mr. Cumming could effect at the Board in London in a century. But to this, the only rational and effectual remedy, a senseless outcry is repeated from various quarters till



men seem wrought, by the mere repetition of folly, into a belief that it is wisdom.

After some very judicious remarks on the superannuated bigotry of attachment to ancient usages, and hatred of innovation which characterize the Directors of the East India Company, as well as the almost inconceivable absurdity of the system of servitude observed by every newly elected member of that supereminently ridiculous and heterogeneous body, the writer follows up his forcible exposure of the evils and errors of the present system by the following remarks:

“It is hardly necessary that we should point out the remedies applicable to such errors as these. The very statement of the errors themselves must suggest a proper method for their removal. Let the connection between the Ministry and the Board of Control be so far dissolved, that a president and secretary, once appointed, shall not be removable, except from incapacity or malversation. Let the individuals chosen be made sensible, that they shall be held responsible, not in word, but in reality, for their proceedings—let an Indian budget be regularly called for in the House of Commons, and *the utmost publicity given to the transactions of the Indian Government*—in a word, let the subject of India be treated, as it deserves to be treated by the Legislature, as one of the most important which is ever brought before it, and we will answer for things going on far better than they have gone on during the last half century.”

There is a mixture of truth and fallacy in this, which ought to be separated. “Responsibility,” as applied to any of the public men of England or India, is a word without a meaning. The only way in which they could be made to feel the weight of this check upon their conduct, would be, that the voice of the nation, clearly expressed through the organ of a real representative assembly, should be sufficiently powerful to demand the immediate removal from office of any public servant who could be proved guilty of incompetency or infidelity to his trust. If such a responsibility as this existed, it would be a great safeguard for the people; but at present it is truly “a name, and nothing more.” The other remedy is more intelligible—*the utmost publicity to be given to the transactions of the India Government*. This we can easily understand: but this remedy, more powerful and more practicable than any other that has yet been named, has never once been seriously proposed without bringing down odium, and in a few cases, the severest punishment for the crime of merely making the proposition. The *utmost* publicity, must, of course, mean publicity in every quarter, beginning first with India itself, where the publicity would be more useful than any where else—as there are all the actors, there the events, there the evidence, there the interests affected, in short, there will be

found every thing necessary to secure truth as well as publicity, and to make both productive of the most immediate, extensive, and lasting advantages. After this, publicity in England would necessarily follow : and the judgment of that country might be kept in check by the apprehended effect of an appeal to the judgment of this : so that both might benefit by this reciprocal exercise of control. But to discuss Indian affairs first in the country most remote from the scene ; and then, some years afterwards and at second hand, amidst the scenes themselves, is as if all legal proceedings on claims and transactions arising in India, where the recent events, the living witnesses, and all the indispensable materials for correct judgment existed on the spot, should be first tried in the Court of King's Bench at Westminster, upon documentary representations of the facts sent over from India by *one* party in the case only, without the other being permitted to be heard ; and then, when the decision of the judges (without the intervention of any jury) should have settled the question at issue here, permitting the aggrieved parties in India to murmur over the matter in stifled whispers, and think it a great indulgence to permit them ever to doubt whether or not the decision was the most just that could have been made on the matter submitted to their award ! This is the present state of things, and thus it will continue, until the infamous and disgraceful restrictions with which Mr. Adam and his colleagues insulted their fellow-countrymen in India, are abolished. It is vain to say that they are not rigidly enforced, and that the present rulers are indulgent. If they are not enforced, they are unnecessary, and therefore the more wantonly insulting ; but their very retention on the statute-book gives the power of exercising a tyranny which, if it is detestable to exercise, it is also base to submit to without remonstrance or resistance.

The writer in 'Blackwood' conceives, that the Court of Directors, the leading members of which he characterizes as "eleven old and deeply prejudiced persons," do themselves and the interests of their empire infinite mischief by their persevering adherence to ancient usages, merely because they are *ancient*. But this is not the fact : ancient usages are only valued by them when they savour of the despotism which they so much love. The privilege of speaking truth freely to the monarch on the throne, was one of the most "ancient usages" of the Indian empire, as may be seen by the best authorities, Native and English. This the Indian Directors hate, and oppose accordingly. The freedom of the press, which was enjoyed by all the English in India, in the dangerous days of Clive, Warren Hastings, and Cornwallis, without any one presuming to place any other restraint on it than that of a court of law and a jury, was also an "ancient usage," coeval with our first settlement in Hindoostan. This, also, the Directors have abolished. The real and open election of new candidates for a seat in their own

body, every year, when a certain number of the old members went out by rotation, was also an "ancient usage" among them; but this they have also abandoned for the more convenient practice to themselves of re-electing the old members, originally under the plea of courtesy, now, grown into an assumed right, towards what is called the "House List." It is not therefore the antiquity of any usage which will wed the Directors to its retention. If it be but favourable to the increase of their power or their patronage, it will be sure to find favour in their eyes, though but the creature of yesterday; and if it tends to weaken or diminish these, they would have no affection for it, should its antiquity be even antediluvian.

The writer next enters upon the threshold of a great question, (though he does not venture farther,) the transfer of the Company's Government to the Ministers of the Crown. As we propose shortly to treat this question in a separate article, we shall also abstain from its discussion here, and content ourselves with quoting the few observations with which the Reviewer has accompanied his introduction of this subject:

"We are well aware that a considerable party exists, and that the party numbers among its adherents not a few men, and men of talent too, whose youth has been spent in India, which would remedy all the defects of the Indian Government, by annihilating the Company's charter, and placing India on the same footing with our other colonies. We are not of that way of thinking. Were this done, the affairs of India would *necessarily* become even more *secondary* than they are at present, whilst the very worst consequences would unavoidably follow, from the vast mass of patronage which would hereby be thrown into the hands of the Minister. Should some question relating to the trade or interior arrangements of England, in carrying which the Minister had set his heart, be doubtful, places in India would be heaped upon his opponents, till all opposition had ceased. Thus would the *independence* of our senators be destroyed, whilst the Indian empire, intrusted to the care of persons *totally incompetent* to manage it, would speedily fall into confusion. Nor is this all. It is not with India as with other colonies—with the West Indies for example, or Canada—there are *no local colonial assemblies* to protect the people against the consequences of misgovernment at home. Every act here, be it mischievous or the reverse, would be carried into execution *without a remonstrance*, till in the end *India would be lost*. Our opinion is, therefore, to be given in few words. Keep your Indian Government as it is, only sweep away the cobwebs of prejudice which impede its progress, and let such wheels and springs be from time to time added, as the weight it has to support shall seem to require."

It would be difficult to imagine a weaker string of inconsequential premises and inferences than this. In the first place, those who

desire the annihilation of the India Company's charter, do not wish to see that country on the *same footing* with our other colonies. A much better mode of government than this could be found for India, and the defects of the chartered, as well as the colonial system, both be remedied at the same time. In the next place, supposing the change to be made from the one to the other, on what possible ground can it be contended, that the affairs of India would *necessarily* become even *more secondary* than they are at present? The Cape is a colony—the Mauritius another—the West India Islands are colonies—Sierra Leone the same; and all and each of these, insignificant as most of them must be considered in comparison with India—have always excited, and continue even at the present moment to excite, an infinitely greater degree of interest in the public mind than anything relating to Hindoostan. Was there ever such interest excited, respecting the sugars, the cottons, the indigos of Bengal, as there have been about the sugars, the coffees and the rums of Jamaica?—Has the conduct of any public functionary in India since the days Warren Hastings (and a contest between political parties in Parliament was the chief cause of the interest excited then) occupied anything like the share of public attention drawn to the conduct of Lord Charles Somerset, at the Cape of Good Hope?—Did the rebellion of the landholders in Cuttack enlist a hundredth part of the sympathy created by the insurrection of the negroes in Demerara?—Was the expulsion of British editors from the East Indies, for speaking truth to their enslaved fellow-countrymen in that country, regarded with half the indignation expressed at the expulsion of British missionaries from the West Indies, for speaking the truth to the slave population there?—Or has not even the war in Ava, which had well nigh lighted up the whole of India in a blaze of simultaneous resistance to our power, been less cared about, and less understood, than the savage skirmishes of the Ashantees, and the inroads of the Caffres on our settlers at the Cape? If these things be true, (and we know not how they can be doubted,) it is as clear as possible that the affairs of every colony of Great Britain obtain more attention, and are deemed of more importance than those of the East India Company's dominions—chiefly, no doubt, as we began by observing, because the property of people in England is affected by changes in the one, and wholly untouched by changes in the other; so that instead of being, of necessity, *less* important than they are, if put under the management of the nation without a chartered company of monopolists to intervene, they would no doubt increase in importance every year, in proportion as the pecuniary interests of the people became more and more incorporated with and dependent on their fate.

The apprehensions of danger, from increasing the patronage of ministers by the change, is amusing enough, from such a quar-

ter; and the punctilious regard for the *independence* of an assembly composed of men, every one of whom, Ministers and Opposition, according to the writer's own showing in the preceding line, are as easy to be bought and sold as the cattle at a fair, savours strongly of bitter irony. But the prediction which immediately succeeds, is the most cutting sarcasm, or rather the severest libel that could be uttered against any set of men conducting the administration of any country, and such as these men must see with no agreeable feelings, if they reflect at all on its import. It is not enough, it seems, to say, as the writer in 'Blackwood' broadly does, that the Ministers of England are sufficiently corrupt to buy up every man in opposition to their views, by heaping on him or his connections places in India; but, he adds, that, in the distribution of these, they would be such traitors to their country, as to place the Government of that vast dependency in hands totally incompetent to manage it, and thus insure its destruction! God knows, there is already sufficient indifference to fitness for office, in the appointment of Governors-General,—as witness the selection of Mr. Canning's friend and favourite, Lord Amherst; but that this would be *more* likely to happen, when the choice would be nominally as well as really in the Crown, and when its advisers would be regarded as the authors of the good or evil resulting, (which would be the case under a transfer of the Company's Government to the King,) than it is now, when the nominal are not the real appointers, and when the responsibility is so divided that no one knows where to look for the author of any bad choice, or whom to blame with justice for the evils it occasions,—is to run counter to the plainest dictates of experience, and to set at defiance all ordinary rules of judgment.

Again,—the supposed difficulty of protecting the people from misgovernment, because there are no local assemblies, must be a very slight one. It is true, there are none existing in India at present. But out of the thousands that rule, and the millions who obey in that vast region, could no local assemblies be created? The writer seems to think that every thing in India is as fixed as its castes; that because there never *has* been public local assemblies, therefore there never *can* be any. But the same materials out of which they contrive to get numerous attended public meetings, to flatter and almost deify the most stupid of their tyrants, whom they send home with testimonials of their approbation, to which many hypocritically affix their names, at the same time that in private they condemn the praises bestowed, and even utter curses in their hearts, would, under a better system, furnish local assemblies in which investigation and censure could be as freely exercised and indulged. And as to the senseless apprehension, that if India were governed by the King's Government, instead of that of the Company, every measure originating here, however absurd or mischievous, would

be carried into effect *without a remonstrance*, it is more infantile in its simplicity, or more like the second childishness of superannuated dotage, than anything we could expect to have seen in print. In the King's colonies at the Cape, have not the people remonstrated against the measures of their Government, and was not their intrepid advocate, Mr. Greig, banished for his pains? In Demerara did they not oppose the introduction of certain measures originating at home, and was not the organ of these remonstrances, another British editor, also banished for his labours? It is true, that these two public writers, as well as one in New South Wales, and another in Canada, have all been re-instated in the possession of their property, and the continuation of their pursuits, by order of the King's Government from home; while those removed from India for the exercise of the same public virtues, have been irretrievably ruined, and refused all redress, after repeated petitions and appeals. There is this striking difference, it must be admitted, between a King's and a Trading Company's Government, that, under the former, men unjustly treated by the distant satraps of the empire, may obtain justice at the hands of their superiors at the fountain head of power, while, under the iron-hearted rule of the latter, no tyranny, no suffering, no misery is sufficiently severe to move their hearts to mercy; and compassion seems a word that enters not into their mercantile vocabulary!

As if, however, to atone in some degree for the errors into which he falls respecting the apprehended evil of the King's Government, the writer of the article under notice, gives us an occasional glimpse of the state of things under the rule of the Company. Take, for instance, the case of the police, and the administration of justice,—no mean standards by which to form an idea of the happiness of a country. On these heads he says:

"But if our revenue system has been productive of such effects, what shall be said of a system of police, of the consequences attendant upon which the following account is given by Mr. James Stuart, one of the ablest functionaries in the Company's service:

"In the department of the police, the review is no less mortifying. For a very long period our unhappy subjects have been the victims of atrocities of which language could offer only a feeble portraiture; and these horrors have been most prevalent in districts which *have been longest under the British authority, and are nearest to the metropolis of the empire.*"

This is not very complimentary to the "excellent" Government of the Company, nor easily matched, we think, by any parallel state of affairs under any of the colonial dependencies of the crown. But let us pass on:

"Of our judicial system, likewise, there is not to be found *one good authority*, which speaks not in terms of *absolute condemna-*

*tion.* In civil questions, our forms are so numerous, and the expense of conducting suits is so great, that to use the words of Sir Thomas Munro, 'the great body of the ryots, who are the people most exposed to wrong, must *suffer in silence*, because they cannot afford to complain. Under every Native Government, though occasionally subject to the most tyrannical exactions, they could, in general, obtain redress free of expense. It is only under a new judicial code, framed expressly for their benefit, that they are *utterly excluded from justice*. Yet with all this, so inadequate are our establishments for the distribution of justice, that the arrears of causes before the different tribunals in Bengal, on the 1st of July 1807, amounted to 121,453; and in 1815 were farther increased by 20,953.'

Neither is this very encouraging. It is valuable testimony, however, and deserves to be rescued out of the mass of other matter from which it is taken. The remedy for this is easy. All that is wanted is an increase of the courts of justice and its functionaries by enlarging the civil service of the East India Company. This the Company will not do, because it will lessen their nett revenue, or, in other words, increase their expenses; and although no one that we could ever discover benefits by such a saving, economy is a word much dearer to the ear of a Director than justice. Accordingly, he who, on his return from India, can prove that he has raised more revenue in taxes, (never mind how cruel and oppressive,) or has effected more retrenchment in expense of government than his predecessor in office, (as Mr. Larkins, for instance, may have done in Bengal), is sure to establish his claims to further patronage, and perhaps a pension, if he is not even taken into the Direction itself. But he who should attempt to show that he had improved the administration of justice towards the Natives, (as Sir Edward West has done, for instance, at Bombay,) would be shunned as a troublesome innovator, and be treated with coldness and neglect for his pains. The Indian Government might also admit the mixed race of Indo-Britons, the offspring of European and Asiatic alliances, into their courts as pleaders, which would increase the securities for justice; but they do not want to elevate the condition of this race, fearing they may one day be powerful enough to turn upon their oppressors. The Government at home might increase the means of administering justice in India by permitting the settlement of Englishmen of property as landholders, cultivators, and manufacturers, from which a police and a magistracy might be cheaply and effectually formed, for the benefit and protection of the Natives; but they dread nothing so much as the settlement of Englishmen in that country, independent of their tyrannous authority, and protected by the laws, because this would let in a flood of light upon the horrors of their rulers, which they now seek to shroud in impenetrable darkness. They might even employ Na-

tives of high character themselves in many offices for which they are even more fit than Europeans. But they dread most of all any participation of power by, or any increase of respectability and influence among, the members of this oppressed race, fearing that they also will see more clearly the iniquity of the rule to which they are subjected; and, growing impatient under the yoke, strive to throw it off. Rather than do either of these, the Company permits its servants to be overwhelmed with labours, of which almost every public servant in India occupying a distinguished post, has infinitely too much, and is consequently deprived both of health and pleasure by its excess. The writer in 'Blackwood' emphatically says:

"But why are they so? Because we will not employ in any office of respectability and trust our Native subjects. Whether this proceeds from caution,—a diffidence of their trust-worthiness,—or a still more objectionable failing,—a disinclination to diminish the Company's patronage at home, we know not; but of one thing we are quite convinced, that no policy was ever more iniquitous, or more short-sighted. The Moguls employed Hindoos in all stations,—even in the command of armies,—and the Hindoos served them faithfully during many centuries; is it probable that we shall continue masters of India, if our present depressing system last, during half the time? Perhaps, indeed, there may be that in the nature of our discipline, or in the connection which subsists between us and them, which will not authorize the intrusting of military command to a Native; but we confess with Sir Thomas Munro, that we 'should like to see the day, when eminent and distinguished Natives shall sit beside Europeans, even in the Supreme Council at Calcutta.'"

We should like to see this too: and it might some time or other happen under the King's Government; but under the Company's, never. A Native Indian sitting in Council beside the Governor-General of Bengal! Why the very lowest office in what is called the Company's regular service is shut, not merely against Natives, but against all persons having the slightest taint of Native blood, to the third and fourth degree, supposing them even to be born in lawful wedlock, their parents of the highest honour, and the place of their nativity England itself! Such is the horror affected by the East India Company of contamination by Native blood. We shall mention an instance. A gentleman who had filled many distinguished offices in the civil service of the Company at Bombay, and had even established a claim to a seat in Council, went, in the course of his service, into Persia, where he married a lady of that country, as fair as any Englishwoman that could be found. Two sons were the offspring of that marriage, and these were also as fair as their parents. In the course of years the gentleman, returning to pass the remainder of his life in his native land, educated his sons for the India Company's service. One of them, the



eldest, passed through the usual initiatory studies and examinations, and went out to fill his appointment. The other was, a few years afterwards, after an expensive education for the purpose, favoured with a cadetship, and was about to sail. It was suddenly discovered, or communicated, perhaps, by some "friendly" hand, that the mother of this youth was an *Asiatic*! The Court were alarmed at the danger of the precedent. His appointment was annulled. It could never be permitted that a person of Asiatic blood could join their service. The empire would be in danger, the whole frame of their government would be upset! They were told that his own brother had gone out without any such objection. So much the worse, was the reply. They were desired to bear witness to the fairness and purity of the young officer's complexion. If it had been of the whiteness of snow or alabaster it mattered not, the taint was in the veins, and could not be eradicated. Alas! for the frailty of human nature, there then sat, and there *now* still *sits*, in the Direction of this august and impartial tribunal, an individual whose mother was—not a pure and genuine Persian, but of mixed Indian blood, who bears abroad to the world the impress of nature's stamp upon his visage, and has the tropical hue and tinge of complexion too deep to be mistaken. We say not this in disparagement: God forbid! we honour virtue, from whatever clime, or under whatever cast of features. But we mention it to show, that though the taint of Indian blood does not exclude an individual from becoming one of the *masters*, it does unfit him to be a *servant* of this unintelligible compound of prejudice and folly, the East India Company.

The concluding portion of the article to which we have devoted so much attention, and in which, as we have shown, among much that is bad, there are some few truths, to be found, is characterized by more imbecility than we could have thought any writer in England could have exhibited in the same limited space. We dare not give an abstract of it, as our version would not be credited. We give the passage entire:

"With respect to Colonization, nothing can be more self-evident, than that we possess no *moral right* to *intrude* our *superfluous* population upon a country already *overstocked with inhabitants*; and that were we to attempt the measure, much mischief would result. Englishmen brought out, as our colonists *would* be brought out, and settling *at random* in the midst of a people more tenacious of ancient prejudices than any other under the sun, would speedily throw the *whole empire* into confusion; whilst even supposing a colony to strike root, the effects of climate, of a *promiscuous intercourse* with females of the *lowest caste*, would soon cause the men who composed it, to degenerate both in body and mind. Thus, that respect for our nation which the Natives entertain, and which alone enables us to continue masters of India, would be

*destroyed*, and with it would depart all our influence and authority. The late opening of the trade to India, and the permission granted to mechanics and handicraftsmen to settle in the capital, have not as yet been productive of any striking injury; but to sanction the *purchase of land* by Europeans, and the establishment of *agricultural colonists* in the country, could not fail to **OVERSET OUR EMPIRE.**"

What can we say to this? To comment on it would seem a waste of words—to account for so much folly, impossible. But as, like the speech of my Lord Noodle, in the 'Edinburgh Review,' it contains the essence of the nonsense uttered by a thousand individuals, who repeat after each other by rote, without reflecting in the slightest degree on the meaning of what their tongues mechanically pronounce, it may be worth a passing word.

In the first place, then: if it is self-evident that we have no *moral right* to intrude our surplus population into India *now*, when the country has been our own by law for so many years, we could have had no moral right to intrude our traders, soldiers, and sailors there two centuries ago, and increase their numbers every year since. By whatever right we seized the country at first, by that right at least we might venture to improve it: or, if the writer would say that having no *moral right* to send people to it now, they ought not to be permitted to go, then we would go a little farther, and add, that never having *had* any moral right to send persons there at all, they ought instantly to be withdrawn. But it is not a hungry *surplus* population that we desire to send there, as *intruders*; let the men of skill, capital, and education, whom the Indians *desire* to see among them, and to whom they would give a welcome reception, have free permission to go; and it will for years at least be sufficient. No advocate of Colonization ever thought of sending English mechanics or labourers to a country where the climate and the habits of the country would be unfavourable to their pursuits, and afford them no chance of a comfortable subsistence in competition with the Natives. It is moderately rich and respectable landholders and manufacturers that are wanted; and these might go without sensibly adding at all to the population of the country. But it is not true that India is already overstocked with inhabitants. There exist the means of providing food and comfortable subsistence for half as many more human beings as those that now people India, by the more extended and more skilful and profitable cultivation which a superior race of agriculturists would introduce into the country: so that Colonization would add to the means of subsistence, and therefore produce the very opposite effect to that of increasing an already superfluous population. "Then again," says the writer, "Englishmen brought out, as our colonists *would* be brought out, (he seems to know intuitively the exact method that would be pursued in selecting them,) would

settle *at random* in the midst of the people." Why so? This is not the way in which men in search of wealth (and colonists, we suppose, would go to India as they go everywhere else, with the hope of bettering their condition) conduct their operations. They would probably make some inquiry about the value of land, the expenses of cultivation, the proximity of markets, the soil, the climate, the produce, the returns. All these would be considerations that would direct their choice; and as these are not the same in every province of India, there would be preferences given to one district over another. A man going to drown himself in the ocean, might be indifferent to the exact spot he chose for his grave, and throw himself into the sea at random, from whatever eminence it was first accessible; but the notion of men settling themselves and their families on an estate to be occupied for years, *at random*, and that too in a country described to be "already overstocked with inhabitants," and where no room for random intruders could at least be found, is quite unique. If the people are "tenacious of their ancient prejudices," these can be as easily respected by men of capital and experience, who would have so strong an interest to obtain their good will and to secure their services—as by young civil and military servants of the Company from sixteen years of age and upwards, who have no such experience, and no such interests; and if one of these prejudices be the attachment of the Natives to their lands, it would not be more offensive to them to have their estates bought by persons who would of course be unable to get them but at the seller's own price, than to have them forcibly torn from them by the hands of the tax-gatherer, and put up to public auction to be sold by order of the British Government to pay the arrears of land-tax, or other duties—which is done in India every day—in defiance of these "ancient prejudices," which the Company and its advocates so hypocritically profess to respect. The truth is, that the competition and demand for land, occasioned by an influx of rich European settlers in India, would at once enhance the value of every estate in the country, and so far from impoverishing, as is pretended, would actually tend more than almost any other measure to enrich the Natives to whom these estates now belong. But then, says the sagacious writer, the colonists settling at random "would speedily throw the whole empire into confusion." Again we ask, why so? The introduction of men of property, who have the strongest interest in the maintenance of order, tends to repress and not to create confusion; the motives for desiring and the means of enforcing order would be increased by this addition to the population: so that the very evil here deprecated, is the one of all others least likely to happen. He goes on to speak of the evils of a *promiscuous* intercourse with females of the *lowest* caste, as if either of these were a necessary or even a probable consequence of the settlement of middle aged and family men, of which the

first colonists would no doubt be chiefly composed. The intercourse maintained by the present race of visitors to India, the young civil and military servants, who, from sixteen to twenty-five, generally indulge in all the pleasures which money can procure, is at present sufficiently low and promiscuous to promote the evil here depicted as its natural consequence, if it *could* be produced from such a cause. And yet we do not find the respect of the Natives for our *authority* lessened by such a course. They well know by what we hold India, superior knowledge, union, and force, and that as long as these continue, it is hopeless for them to attempt our overthrow.

The degree of absurdity increases, however, as we proceed. If *any* danger were to be apprehended from the settlement of any class of Englishmen in India, it would be from an influx of labourers, mechanics, and persons without property, to make them particularly afraid of disorders, without education to give them a common feeling with the higher classes of society, and with habits unfavourable to the restraint which morals and respect for the opinion of others impose on the passions. Men of these classes have been, it seems, admitted, and no danger has resulted from this ! But, says this Oracle of the North, let but men of property *purchase land* in India, and agricultural colonists be established there, and the empire must inevitably be *overset* by them !! If there be any one class more than another interested in maintaining order in a country, it is that class whose property is immovable and liable to injury and transfer by any commotion that may happen :—these are undoubtedly the holders of land and agriculturists ; the sure allies of peace and tranquillity, the certain enemies of its interrupters. And yet this is the very class which our enlightened legislator would exclude as being the most certain instruments of defeating their own ends, and overthrowing the very empire which they, of all other men, are most deeply interested in upholding and defending both from external aggression and internal revolt !

After this specimen of almost inconceivable imbecility, nothing could surprise us from such a pen. It was therefore with feelings of pity for the understanding of the writer, rather than any other sensation, that we read his closing paragraph ; which is this :

“ And lastly, with respect to a Free Press, our author justly shows, that to attempt to introduce *any such engine* into India, is in reality to seek the *overthrow of the English empire there*. Mr. Buckingham has, indeed, made a *prodigious fuss* of late about his dismissal from Calcutta ; and Lord John Russell, Mr. Hume, and others, have made *monstrous ninnies* of themselves by espousing his quarrel. But even Mr. Buckingham must know, that *there really is no public in India whom a Free Press could materially benefit* ; whilst every exposure of our weakness to the Natives must

have a tendency, more or less direct, to stir up in them a desire to shake off our yoke."

Be it so. Sir John Malcolm has been shown to have written and spoken the grossest folly on this subject; over and over again, though he is still so enamoured of the speech that he *wrote*, and which he would fain palm off upon the world as the speech that he *spoke* at the India House on this subject,\* as to preserve it, at full length, in his Appendix to the 'Political History of India,' where it will remain as a monument of his incapacity to reason even on the facts which he himself adduces, of which the future reader of the 'History of India' will form a very different idea from that professed to be entertained by Sir John's flatterers and friends of the present day. If the introduction of *any such* engine as a Free Press would have overthrown the empire, it would have been effected long ago; as the press was free to licentiousness in the days of Warren Hastings and other early Governors, when every danger assailed the empire from within and without, without the press affecting its safety for a moment. Sir John Malcolm knows as well as any man living that it was also free during a portion of Lord Hastings's administration; and he also knows, because he has himself borne testimony to the fact, that during that very period, the empire was more tranquil, our power more secure, and the foundations of Government more deeply rooted in the good will of the people than at any other period either before or since. In what terms, then, ought we to characterize this senseless cry, in the face of evidence so clear and so convincing! It must be either hypocrisy of the basest, or folly of the most contemptible class: we do not know which would suit its advocates best. It is of course easy to call a persevering adherence to any cause a "prodigious fuss," and to characterize those who think well of such fidelity "monstrous ninnies." Mr. Buckingham has also made the same sort of "prodigious fuss" about the slanders of Mr. Murray and the Bankeses, and there were some people who were such "monstrous ninnies" as to think that in this also he deserved to be commended for his perseverance, which the result has shown to have been so proper a course to be pursued. But these choice epithets and refined names will not make up for the writer's want of sense or logic; and until he can alter the nature of the things themselves, no change of terms that his ingenuity can devise will affect the judgments of the reflecting portion of mankind. For the rest, we know that they are turned with a feather; but these are altogether beneath our notice. When the writer adds, however, that "Mr. Buckingham *must know* there really is no public in India whom a Free Press could materially benefit," he says that which he has no justification for advancing. The whole tenor of Mr. Buckingham's

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\* The curious reader may see the difference between the speech that was spoken and the speech that was written in the 'Oriental Herald,' Vol. III. p. 1

conduct for the last seven years is in direct opposition to such an assumption. He knows that there *is* such a public, and that not a very limited one either, where there are at least eighty millions of people, to every class of whom a Free Press would produce benefit, by improving the Government under which all of these live. Mr. Buckingham has sacrificed alike his possessions and his hopes to serve that very public, in whose existence it is here assumed he does not even believe ; and if the dread of a Free Press is, that it would expose weaknesses which would lead to complaint and perhaps rebellion, the cure for that is, not concealment, which is for any length of time impossible, but the reform of these weaknesses, to turn them into sources of strength, and the substitution of a rule of respect and affection for one of hatred and fear. All this a Free Press would hasten and consolidate, so as to be productive of blessings instead of curses to the rulers themselves, and increased happiness to the people over whom their rule extended. For these reasons, and for these alone, has Mr. Buckingham ever advocated, and still remains faithful to the cause of the mis-represented and persecuted Press of India ; which he yet hopes to see one day arise, like the phoenix from its ashes, to cheer and illumine the darkness and slavery of the whole Eastern world.

The great length to which our examination of the article in 'Blackwood's Magazine' has extended, obliges us to postpone our notice of those in the 'British Critic' and 'Monthly Review' for our next.

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THE GREY HAIR.\*

*By Alaric A. Watts.*

I.

Come, let me pluck that silver hair  
Which 'mid thy clustering curls I see :  
The withering type of Time or Care  
Hath nothing, sure, to do with thee !

II.

Years have not yet impaired the grace  
That charmed me once, that chains me now ;  
And Envy's self, love, cannot trace  
One wrinkle on thy placid brow !

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\* From 'The Literary Souvenir' for 1827.

*The Grey Hair.*

## III.

Thy features have not lost the bloom  
 That brighten'd them when first we met :  
 No :—rays of softest light illumine  
 Thy unambitious beauty yet !

## IV.

And if the passing clouds of Care  
 Have cast their shadows o'er thy face,  
 They have but left, triumphant, there  
 A holier charm—more witching grace.

## V.

And if thy voice hath sunk a tone,  
 And sounds more sadly than of yore,  
 It hath a sweetness, all its own,  
 Methinks I never mark'd before !

## VI.

Thus, young and fair, and happy too—  
 If bliss indeed may here be won—  
 In spite of all that Care can do ;  
 In spite of all that Time hath done.

## VII.

Is yon white hair a boon of love,  
 To thee in mildest mercy given ?  
 A sign, a token from above,  
 To lead thy thoughts from earth to heaven ?

## VIII.

To speak to thee of life's decay ;  
 Of beauty hastening to the tomb ;  
 Of hopes that cannot fade away ;  
 Of joys that never lose their bloom ?

## IX.

Or springs the line of timeless snow  
 With those dark glossy locks entwined,  
 'Mid Youth's and Beauty's morning glow,  
 To emblem thy maturer mind ?—

## X.

It does—it does :—then let it stay ;  
 Even Wisdom's self were welcome now ;  
 Who'd wish her soberer tints away,  
 When thus they beam from Beauty's brow ?

## ON THE FIRST BOOK OF SPENSER'S FAERY QUEEN.

THAT species of poetry which mankind have always regarded as the most noble and sublime, is not fertile. Few are equal to the conception of exalted original ideas and corresponding sentiments; fewer still have the capacity to create characters beaming with the lustre of great abilities and virtues naturally exercised; and much smaller yet is the number of those who can imagine and execute a great original moral picture, with a glorious scene, and many various agents, in which every actor, developing his real character, contributes to produce one splendid impressive result. Genuine epic poetry, however, is such a picture. It labours to raise our ideas of human nature, by displaying it in its amplest dimensions, and at a time when, through peculiar circumstances, its greatest and best qualities predominate over the meaner and more questionable. It is a law of our nature that we sympathize with the performers of heroic exploits; for whatever dignifies and ennobles mankind in general, does in effect the same thing for us in particular, who are a part of mankind. And as our sympathy is greatest for those who most strongly resemble ourselves, the epopeia and tragedy powerfully delight the better sort of minds, while they who have more wit than energy or passion, prefer comedy and satire. It is reserved for the weak and effeminate to be pleased with puling sentiment, the pal-sied dotage of poetry.

Taking this view of the subject, it is possible to account very rationally for the wide diffusion of the names and writings of Homer and Milton, while their spirit and nobler beauties are really relished but by few. Critics and readers of taste create the persuasion that those authors abound with beauty and sublimity, and, therefore, every person conceives the design of reading them for himself. The first step is, to be provided with the book, which accordingly is purchased; but the majority, when they make the next movement, and attempt to familiarize themselves with the poet's conceptions, discover involuntarily that they have no soul for his daring flights, no congenial feelings, no respect for his philosophy. But as the whole world is filled with his name, they want the courage to own their disappointment, and so chime in with the general chorus in praise of what they never understood. Inferior poets, whether they exercise their talents in telling stories in verse, or accumulate a mass of reflections, sometimes profound, sometimes not, are more on a level with the popular mind, and may be generally appreciated correctly. But they seldom escape the scythe of Time. Others of equal pretensions spring up, with the advantage of novelty, and again give way to successors of the same cast; while the mighty bards we have mentioned, and their like,



stand above the influence of these petty changes, like the oak which witnesses a thousand harvests spring up and disappear about his feet.

Spenser, though a poet of great and well-merited celebrity, by no means deserves to be enumerated with Homer, Virgil, and Milton; but, without comparing him to any one of these, or even to Dante or Tasso, it may yet be predicated that in fertility of fancy he has never been excelled. How happens it then, that the 'Faery Queen' is not more popular? That its beauties, like a miser's gold, are preserved, but not enjoyed? The blame, we apprehend, in this instance, rests with the poet, not with the public. The 'Faery Queen' is a splendid oddity, a storehouse of poetical curiosities rather than a poem. We think, moreover, with Hume, that a great portion of it is task-reading, achieved for the sake of the isolated beauties it contains, or because we wish to know, or seem to know, all the celebrated poets of our language. Undoubtedly, the obsolete character of his style, his cumbrous stanza, and the abominable periphrases and distortions it occasions, greatly contribute to render Spenser uncouth in the eyes of this generation; but he has still worse faults even than these. His work is an amalgamation of allegory with ordinary fiction, and sometimes with fact; a jumble of the manner of all ages, of all creeds, mythologies, opinions, sentiments; there is no chronology, no geography, no probability of events.

Poetry may, like oratory, be divided into the sublime, the florid, and the simple. The first, exciting strong emotions, and thereby lifting up the soul, and uninterruptedly hurrying it towards the completion of some great action, scatters as it goes its beauties, like flashes of lightning, but never dwells or lingers on an auxiliary idea: the second, devoid of passion, and aiming entirely at ornament and magnificence, moves like a solemn pageant, displaying at every moment the glitter of smiles and gorgeous phrases: while the third, affecting neither the pomp of the one nor the energy of the other, relies solely on pathos and simplicity for affecting the fancy and the heart. Spenser is a florid poet, and aims chiefly at exciting admiration. By extensive reading and observation he had stored his retentive memory with innumerable images, and practice had conferred the greatest possible facility in bringing those images into play. He had great self-complacency, and, therefore, when he sat down to enrich his inventions with the treasures he had gathered from a thousand sources, he seems never to have suspected that possibly he might say too much. To be tedious was no fear of his. In allegory he saw that he had discovered a region interminably extended, and undoubtedly meant to let his muse graze upon it so long as he lived. This proves pretty strongly, we think, that he had a very exalted idea of human patience; indeed, he celebrates this virtue as the most admirable philosopher imaginable:

" Straitway sent with careful diligence  
To fetch a leach, the which had great insight  
In that disease of grieved conscience,  
And well could cure the same; his name was *Patience*."

B. i. c. x. st. 28.

The '*Faery Queen*' was to have consisted of twelve books of twelve cantos each, making in all one hundred and forty-four cantos, and a far greater number of verses than compose the '*Iliad*,' the '*Odyssey*,' the '*Æneid*,' and the '*Paradise Lost*,' united. In these first twelve books he purposed celebrating the adventures of the twelve private moral virtues, (or an equal number of knights, their patrons,) and in case these were well received by the public, he further meditated a poetical exemplification of the political virtues; all which virtues, both private and public, were to have been exhibited by the renowned Arthur, the former before, and the latter after, he came to the throne of these realms. Little sagacity is requisite to discern the absurdity of such a plan. Indeed, were any person to judge of Spenser's merit as a poet by the style of his invention, he would certainly pronounce him the most tasteless and extravagant man that ever gathered a laurel leaf upon Parnassus. Fortunately, it is possible to read the '*Faery Queen*' as a series of legends of chivalry, and forget in a great measure the allegorical interpretation. The poet himself, in his letter to Sir Walter Raleigh, develops the general idea of the poem, both as an allegory and as a story: in the latter, as well as in the former character, the ground-work is rather complex: twelve knights, setting out from the court of the *Faery Queen*, during the festival held on the anniversary of her birth-day, achieve each an adventure, the relation of which occupies one whole book. Prince Arthur, the hero of the whole poem, aids the subordinate heroes in the performance of their exploits, and thus asserts his claim to be the principal patron of all the virtues; while the hero of twelve cantos shines pre-eminently only in one virtue. The first book contains the '*Legend of the Knight of the Red-Cross, the Patron of Holiness*': during the above-mentioned festival, a beautiful lady demands from the *Faery Queen* a champion, who, by his surprising prowess, may deliver her royal father and mother from the tyranny of a monstrous dragon, which has long kept them closely besieged in a brazen castle. This adventure is undertaken by the Knight of the Red-Cross, who immediately departs with the princess on his heroic mission. On the way they are separated by the arts of a subtle enchanter, who thus creates the incidents of the narrative, and very much contributes to the reader's amusement. Numerous mischances befall both princess and knight; but, after various afflictions, they meet, of course, and drown all their sorrows in the holy sea of matrimony.

This, the reader will perceive, is one of those extravagant legends which are so admirably satirized in *Don Quixote* and

Hudibras. Knights and ladies roaming through uninhabited forests, and deserts, and wildernesses; magical shields; enchanted trees; miraculous fountains: these are the furniture of Spenser's imagination. Yet our ancestors evidently delighted in such fictions, and in an age, too, when learning and political wisdom had made considerable advances among them. We grant the poet had provided himself a convenient exodus from the charge of absurdity through the dim windings of allegory; but it is impossible, without annihilating all the interest of the story, to be every moment making reference to a mystical interpretation to explain events otherwise impossible. No one ever read the 'Faery Queen' without inquiring where the heroes and heroines dined when they lost their way, and wandered for months over wastes and wilds uninhabited. But in representing his knights and ladies thus abstemious, Spenser followed good authority; for Don Quixote was fully of opinion that knights errant seldom ate any thing. "Though I think (says he) I have read as many histories of chivalry in my time as any other man, I never could find that the knights errant ever eat, unless it were by mere accident, when they were invited to great feasts and royal banquets; at other times they indulged themselves with little other food, besides their thoughts." And Butler, apparently glancing at Spenser himself, has the following lines:

" And though knights errant, as some think,  
Of old did neither eat nor drink,  
Because, when thorough deserts vast,  
And regions desolate, they past,  
Where belly-timber above ground,  
Or under, was not to be found,  
Unless they grazed, there's not one word  
Of their provision on record;  
Which made some confidently write  
They had no stomachs, but to fight.  
'Tis false; for *Arthur* wore in hall  
Round table like, a farthingal,  
On which, with shirt pulled out behind,  
And eke before, his good knights dined,  
Though 't was no table some suppose,  
But a huge pair of round trunk hose,  
In which he carried as much meat  
As he and all the knights could eat,  
When, laying by their swords and truncheons,  
They took their breakfasts, or their nunchions."

But allowing the machinery, and the conduct of the story, to be absurd and bad, what are Spenser's merits?—Beautiful metaphors and similes, striking personification, and admirable description, wrought out by patient minuteness and singular felicity and fidelity. The opening of the poem, in which the Red-cross Knight, and Una, and the dwarf, are abruptly placed before the reader's eye, is particularly fine:

" A gentle knight was pricking on the plain,  
Yclad in mighty arms and silver shield,  
Wherein old dints of deep wounds did remain,  
The cruel marks of many a bloody field ;  
Yet arms till that time never did he wield :  
His angry steed did chide his foaming bitt,  
As much disdainig to the curb to yield ;  
Full jolly knight he seemed, and fair did sit,  
As one for knightly justs and fierce encounters fit.

And on his breast a bloody cross he bore.

\* \* \* \*

A lovely lady rode him fair, beside,  
Upon a lowly ass more white than snow ;  
Yet she much whiter, but the same did hide  
Under a veil, that winpled was full low ;  
And over all a black stole she did throw,  
As one that inly mourned : so was she sad,  
And heavy sat upon her palfrey slow ;  
Seem'd in her heart some hidden care she had ;  
And by her in a line a milk-white lamb she lad.

Behind her, far away, a dwarf did lag,  
That lazy seemed in ever being last."

Their entry into the forest, where they find the Den of Error, whither they are driven by "a hideous storm of rain," is described in that tranquilly poetical style which is almost peculiar to this writer. The thought of extending the portraiture to the kinds of trees of which the wood was composed, is worthy of a Dutch painter, intent on transplanting the nicest lines of nature to his canvass:

" Enforced to seek some covert nigh at hand,  
A shady grove not far away they spied,  
That promised aid the tempest to withstand ;  
Whose lofty trees, yclad with summer's pride,  
Did spread so broad that heaven's light did hide,  
Nor pierceable with power of any star :  
And all within were paths and alleys wide,  
With footing worn, and leading inward far ;  
Fair harbour that them seems, so in they entered are.

And forth they pass, with pleasure forward led,  
Joying to hear the birds' sweet harmony,  
Which therein, shrouded from the tempest dread,  
Seem'd in their song to scorn the cruel sky.  
Much 'gan they praise the trees so straight and high,  
The sailing pine, the cedar proud and tall,  
The vine-prop elm, the poplar never dry,  
The builder oak, sole king of forests all,  
The aspen good for staves, the cypress funeral.

The laurel, meed of mighty conquerors  
 And poets sage, the fir that weepeth still,  
 The willow worn of forlorn paramours,  
 The yew obedient to the bender's will,  
 The birch for staves, the sallow for the mill,  
 The myrrh sweet-bleeding in the bitter wound,  
 The warlike beech, the ash for nothing ill,  
 The fruitful olive, and the platane round,  
 The carver holm, the maple seldom inward sound."

The adventure ensuing in this wood with the monster denominated Error, is one of those relations to which no force of poetry can possibly reconcile the mind; which, although it very readily consents to bestow its aversion on the thing represented, cannot be restrained from loathing and abominating the representation also. Homer himself descends once or twice to describe filthy objects; the bruised hunch, for instance, of Thersites, the cannibal gluttony of Polypheme, and that odious Old-Bailey execution of the lewd waiting-maids of Penelope. So do Milton and Shakspeare, the former speaking of Sin and Death, the latter in various obscene similes; but of all the poets we have ever read, Spenser is the most filthy and indelicate. The most odious stenches and mephitic exhalations could not offend the sense more violently than many of his descriptions do the taste of a nice reader. To quote examples would be to repeat his fault;—we refer the reader to b. i. c. 1., and to canto viii. of the same book, in which his lazarus-house muse defiles itself with unspeakable impurity. We may observe also, at the same time, that the age of Elizabeth was evidently much less fastidious in other respects than we now are; for we question whether there be any thing in 'Don Juan' more wanton and lascivious than scenes that could be pointed out in the 'Faery Queen,' a poem in which our virgin empress greatly delighted. Indeed, in all periods remarkable for exuberance of genius, the fancy of great poets has been addicted to erotic excursions, though the gravity of their characters restrained the warmth of some within legitimate limits. Homer yields, on many occasions, to the impetuosity of his fancy, and infuses a kindling glow, a permeating fire, into those lines which describe the Thunderer reclining on the bosom of Juno, amidst the spontaneous flowers and verdure of the top of Ida. And Lucretius and Virgil are carried away by the same enthusiasm in those

"Thoughts that breathe, and words that burn,"

which have been so largely and so loosely commented on by Montaigne. Nor is Milton himself, the Stoic of Parnassus, averse to these tender ideas: his 'Paradise Lost' has images that shed about them a warmth of desire, not inferior in intenseness to what any passage in Ovid could awaken.

With regard to Spenser, we may observe that, like many other poets who have professed to tune their lyres in the cause of virtue and devotion, he sometimes strangely mingles the tones of mere earthly passion with the yearnings of divine love. He was by nature of a warm temperament, and in clothing the virtues with female charms and attractions, he raised so many objects of love before his imagination, which seems, like Pygmalion, to have worshipped and grown enamoured of its own creations. The raptures of a sublime devotion, owing to the frailty and imperfection of our nature, are very nearly allied to the feelings suggested by earthly beauty, as, in fact, both are bestowed on an idea of the mind. From this it follows that among idolaters and polytheists of all kinds, fervent piety is conjoined with a confused passion for the opposite sex: Hindoo ladies choose Chrishna to be the chief object of their adoration; the women of antiquity evinced the same preference for Adonis and Apollo; and Popish female enthusiasts, who are rank polytheists in reality, pour out the overflowings of their hearts in the spiritual bosom of Christ. The Bishop of Meaux, in exposing the absurdities of Quietism, a heresy to which Fenelon had a strong partiality, relates of Madame Guyon, that in one of her visions, in which she held frequent passionate colloquies with the Saviour, she was transported with him into a pleasant bed-chamber, with two beds in it. Upon inquiring for whom they were designed, Christ replied, that one was to accommodate his mother, and that himself and Madame Guyon would repose in the other. Spenser stops far short of this; but, nevertheless, he bestows sex upon all his virtues, and inspires them with a strong passion for each other. Even Truth is pressed into the service of Love: for under the name of Una, that abstract personage entertains a violent predilection for the Red-cross knight, accompanies him in his most solitary wanderings, pines for him when he is absent, searches for him, declares her passion, and weds him, though he is hardly yet pure from the arms of Duessa. It is indeed surprising with what pertinacity our pious poet adheres to every idea having any affinity with love, towards whose delights his fancy is constantly attracted, as if he had some revelation relating to its mysteries to make, and was perpetually restrained by some secret dread from uttering it to the profane.

Notwithstanding, none of his knights display much genuine passion. Indeed, we suspect, that in the profligate times of chivalry, licentiousness was far more prevalent than love, in both sexes; as might be inferred, were history silent on the subject, from Spenser's making the Red-cross Knight, the very patron of holiness, forget his vow and tarnish his honour in the embraces of a harlot. However, though Spenser seems to have been unequal to pourtray the eloquence of passion, he conveys in a very forcible manner the idea of superlative beauty to the mind; as where he speaks of Una, now lonely and deserted, alighting in a savage wood:

“ One day, nigh weary of the irksome way,  
 From her *unhasty* beast she did alight;  
 And on the grass her dainty limbs did lay  
 In secret shadow, far from all men's sight;  
 From her fair head her fillet she unlight,  
 And laid her stole aside: *her angel's face,*  
*As the great eye of heaven, shined bright,*  
*And made a sunshine in the shady place;*  
 Did never mortal eye behold such heavenly grace.”

There is a coldness, however, in this passage, that displeases the imagination, which loves to be thrown into a tumult of emotion by the idea of loveliness. Beauty, refined to spirituality, may strike with awe and admiration, and be worshipped like a distant star; but, in whatever is meant to affect us powerfully, there must be a strong infusion of woman, and all around a warm atmosphere of sense. There is far more to excite our feelings in Homer's goddesses than in Spenser's women: the former fill all heaven with the invincible blandishments of womanhood, and exhibit in their immortal countenances the signs of all our human emotions. They are mothers, or mistresses, or wives, or beautiful virgins, and in every relation are clothed with those attributes which exactly become them. The degree in which they interest also is always in proportion as they are more or less susceptible of human love: Venus stands first in the female cohorts of heaven; and the poet well understood human nature who first thought of opening Diana a passage to our hearts, by relating to us her nightly visits to the slumbering shepherd of Latmos. It is in delineating the objects and operations of passion that the philosophy of poetry is principally apparent: the great poet comprehends the artifices of nature for effecting her purposes, and in framing an ideal form intended to allure and captivate the fancy, is careful to give prominence and light to those parts of it which he knows must first strike the attention of the observer. A minute inventory of every particular feature that goes to make up the perfection of beauty, would not seize half so forcibly upon the mind as this short recapitulation of them all:

“ Grace was in all her steps, heaven in her eye,  
 In all her gestures dignity and love!”

Or as those marvelling, breathless, exclamations which Iachimo utters at the sight of Imogen asleep; though he knows that while he gazes at her, he stands upon slippery footing, with the grave yawning before him:

“ Cytherea,  
 How bravely thou becomest thy bed, fresh lily,  
 And whiter than the sheets! that I might touch,  
 But kiss, one kiss—rubles unparagoned  
 How dearly they do't!—'tis her breathing that

Perfumes the chamber thus : the flame o' th' taper  
Bows toward her, and would underpeep her lids,  
To see the inclosed lights, now canopied  
Under those curtains white, with azure laced,  
The blue of heaven's own tint."

Spenser, however, was inveterately inclined to lengthy and minute description ; and, consequently, has comparatively few of those beautiful thoughts, concentrated in a single sentence, which in Homer, Milton, and Shakspeare, flash like lightning into the mind. His genius is slow and diffuse, and comes rolling on in a vast volume, like the dragon which attacks his own Red-cross Knight. Nevertheless, there occur many short passages, and even single lines, of the most exquisite beauty ; but in their place in the poem, they appear too frequently like pearls on the head of deformity. It has been often remarked that his descriptions of morning and evening are exceedingly poetical, and though of constant occurrence throughout the whole work, they are almost always distinguished by the richest variety of imagery. He equally excels in painting night, and darkness, and sleep. But in all his pictures of this kind, beauty is the result not of a few felicitous strokes, or a perfect outline, but of an exuberant accumulation of images, which flow uninterruptedly upon the fancy, till they produce the desired effect. When Duessa descends to the House of Night, the griesly awful power, and the circumstances that attend her visit to the earth, are thus solemnly described :

" Where griesly Night, with visage deadly sad,  
That Phœbus' cheerful face durst never view,  
And in a foul black pitchy mantle clad,  
She finds forth-coming from her darksome mew,  
Where she all day did hide her hated hue ;  
Before the door her iron chariot stood,  
Already harnessed for journey new,  
And coal black steeds yborn of hellish brood,  
That on their rusty bits did champ, as they were wood.  
Who, when she saw Duessa sunny bright,  
Adorned with gold and jewels shining clear,  
She greatly grew amazed at the sight,  
And th' unacquainted light began to fear."

Some portion, likewise, of Duessa's address is fine, especially the following lines :

" O thou most ancient grandmother of all,  
More old than Jove, whom thou at first didst breed,  
Or that great house of gods celestial,  
Which wast begot in Demogorgon's hall,  
And saw'st the secrets of the world unmade."

Night ascending her car :



"Then to her iron waggon she betakes,  
 And with her bears *the foul well-favoured nitch*,  
 Through mirksome air her ready way she makes.  
 Her twofold team (of which two black as pitch,  
 And two were brown, yet each unlike to each)  
 Did softly swim away, ne ever stamp,  
 Unless she chanced their stubborn mouths *to twitch*,  
 Then foaming tar, their bridles they would champ,  
 And trampling the fine element, would fiercely ramp."

The words put in italics exhibit some slight specimen of the manner in which Spenser often manages to spoil the effect of very fine passages. The termination of the fifth line we have ventured to alter, for whether the absurdity be Spenser's or the printer's, it may as well be remedied, since it can be, by a trifling transposition; and "each to each *unlich*" is a phrase which no one need regret to lose. When Night and her companion alight upon the earth, the dogs begin to howl, and the ghastly owl to shriek:

"And all the while she stood upon the ground,  
 The wakeful dogs did never cease to bay;  
 As giving warning of the unwonted sound  
 With which her iron wheels did them affray,  
 And her dark griesly look them most dismay.  
 The messenger of death, the ghastly owl,  
 With dreary shrieks did also her bewray,  
 And hungry wolves continually did howl  
 At her abhorred face, so filthy and so foul."

And descending thence to Pluto's house, they excite dread and astonishment even in the shades:

"On every side them stood  
 The trembling ghosts with sad amazed mood,  
 Chattering their iron teeth, and staring wide  
 With stony eyes; and all the hellish brood  
 Of fiends infernal flocked on every side,  
 To gaze on earthly wight, that with the Night durst ride."

Though Spenser excelled in description, there is one instance in which he despaired of equalling the great poets of antiquity even in his own peculiar province. Homer has given an elaborate pourtraiture of the shield of Achilles; and Virgil, ambitious of rivalling him in every thing, has depicted that of Æneas with equal minuteness. Believing, therefore, that the images which would best suit such a field had been already taken possession of by others, Spenser imitated the painter Timanthes, who having, in his Sacrifice of Iphigenia, exhausted the shows of grief in the faces of Chalcas, Ulysses, and Menelaus, when he came to Agamemnon, despaired of reaching an expression more full of suffering, and painted him with his face covered by his hands. But although our poet restrained his genius, and abstained from stamping the creations of his fancy on

the shield itself, over which he draws a thick veil, it was utterly impossible he should lose so apt an opportunity to say something extraordinary. This wondrous buckler, therefore, is reported to have been cut by magical art out of one solid piece of adamant, and to have possessed virtues so extraordinary, that the rays reflected from its glittering surface would reduce trees and stones to dust, "and dust to nought at all"! The predilection of our old romance-writers and poets for magical arms, a predilection they appear to have derived from Homer and Virgil, and absurdly exaggerated, blinded them to the real effect of such arms upon the reader: they reflected not that in proportion to the natural destructiveness of these enchanted weapons, the consequence and dignity of the hero were lessened, as he became in great measure the mere possessor of a spell or talisman, by which, however base and cowardly in himself, he might wither the strength of armies, and laugh fortitude and valour to scorn. We have no sympathy with a magician, or with the instrument of a magician; our heart beats only for human beings like ourselves. Or if we consent at all to allow of supernatural interference, and extend our sympathy to beings especially favoured of heaven, the imagination imperiously demands that the miraculous influence shall exert itself in some mysterious manner on the physical system of the hero, not on his sword and buckler. We forgive Diomedes or even Achilles for imbibing fresh energy and courage from the conscious presence of Minerva, and only smile at the grace and "purple light of youth," which a partial goddess breathes over the battered limbs and weather-beaten cheeks of Ulysses or Æneas; but when Prince Arthur, dashed to the earth, and ready to be trampled into it by his valiant adversary, owes both life and victory to the accidental uncovering of a talisman, we cease to think of him as a hero, and laugh at the juggling feats which are palmed upon us for heroic achievements. An objection of this kind certainly lies against both Homer and Virgil. Hector and Turnus should have fallen without the opposition of auxiliary gods; and, had Milton intended to exalt the warlike archangel at the expense of Satan, the vision of the scales should indubitably have been spared. Virgil, however, seems most faulty in this particular; for it must be confessed, a fury, in the shape of an owl, flapping her hideous wings in the face of his enemy, was rather an undignified coadjutor for the pious Æneas:

"Thus lessened in her form, with frightful cries  
The Fury round unhappy Turnus flies,  
Flaps on his shield, and flutters o'er his eyes."

Spenser, as we have shown, was exceedingly deficient in taste and delicacy, and may be said not to have one moderately long passage of sustained beauty or sublimity in all his works; but he has innumerable stanzas in which sublime or beautiful ideas lie strewn, like stars, over a very dull ground. Indeed these occur so thickly

in the Faery Queen, that they make us regret they were not preserved in a fairer casket, while they reconcile us to the opening of the tedious and intricate machine where they are found. There are some few short passages, indeed, which appear to have awakened in Milton the spirit of emulation, though the brightness of his genius always eclipsed the lamp at which it was kindled. Our readers will perhaps have seen the great poet censured for the following passage :

" At once as far as angels ken he views  
The dismal situation waste and wild,  
A dungeon horrible on all sides round  
As one great furnace flamed, yet from those flames  
No light, but rather darkness visible,  
Served only to discover sights of woe."

Par. Lost. i. 592.

Which may possibly have been partly suggested to his fancy by this of Spenser :

" But full of fire and greedy hardiment,  
The youthful knight could not for aught be staid,  
But forth into the darksome hole he went,  
And looked in : *his glistering armour made*  
*A little gloming light, much like a shade,*  
*By which he saw the ugly monster plain."* F. Q. I. i. c. i.

Spenser talks of virtue being its own light, as Milton does in Comus, and perhaps there is more severe grandeur in the singleness of his thought than in the more laboured amplification of his great imitator :

" Ah, lady, said he, shame were to revoke  
The forward footing for a hidden shade :  
*Virtue gives herself light through darkness for to wade."*  
F. Q. I. i.  
" *Virtue could see to do what virtue would*  
*By her own radiant light, though sun and moon*  
*Were in the flat sea sunk."*

Comus, v. 373, &c.

In the following passages there is similar splendour in the comparisons, but there is no imitation :

" The lady, *when she saw her champion fall*  
*Like the old ruins of a broken tower,*  
Staid not to wail."  
F. Q. I. ii. 20.  
" He, above the rest,  
In shape and gesture proudly eminent,  
Stood like a tower."

P. L. I. 589, &c.

In another passage where, in spite of one vulgar word, by a daring hyperbole, Spenser verges on the true sublime, his mantle is seized

by the gothic genius of his stanza, and he is plunged down into the lowest bathos :

" But ere he could his armour on him dight,  
Or get his shield, his monstrous enemy  
With sturdy steps came stalking in his sight,  
A hideous giant, horrible and high,  
That with his tallness seemed to threat the sky.

\* \* \* \* \*

*His stature did exceed  
The height of three the tallest sons of mortal seed."*

F. Q. I. vii. 8.

" On the other side, Satan, alarmed,  
Collecting all his might, dilated stood,  
Like Teneriffe or Atlas unremov'd ;  
His stature reached the sky."

P. L. IV. v. 985.

Here, instead of stooping suddenly from the empyrean to the petty height of three tall men, standing upon one another's heads, Milton rises gradually from one lofty mountain to another, till, finding all earthly things fall far short of his conception, he soars away from all sublunar comparison, and rears his hero's stature into the skies.

In the following strongly resembling passages, the fatal prolixity and dilution of Spenser's stanza are strikingly apparent :

" Then with his waving wings displayed wide,  
Himself up high he lifted from the ground,  
And with strong flight did forcibly divide  
The yielding air, which nigh too feeble found  
Her fitting parts, and element unsound,  
To bear so great a weight."

F. Q. I. xi. 19.

" Then with expanded wings he steers his flight  
Aloft, incumbent on the dusky air,  
That felt unusual weight."

P. L. I. 225, &c.

The thoughts are here very similar, many of the words employed of nearly equal value, yet the result is exceedingly different: Spenser stifles his conceptions under a heap of unnecessary words ; Milton clothes his gigantic ideas in language sufficiently transparent to allow all their proportions to be visible. The same dignified conciseness distinguishes the superior poet in these examples also ; though the touch of a master be quite perceptible in both :

" His flaggy wings, when forth he did display,  
Were like two sails, in which the hollow wind  
Is gathered full, and worketh speedy way :

And eke the pennes that did his pinions bind,  
*Were like main-yards with flying canvass lined."*

F. Q. I. xi. 10

" At last *his sail broad vannes*  
*He spreads for flight, and in the surging smoke*  
*Uplifted spurns the ground."*

P. L. II. 927, &c.

Of Spenser's peculiar excellencies, extraordinary personification and allegory, the first book of the 'Faery Queen' is full; perhaps, indeed, it contains the most perfect allegory in the world, that of Despair, in canto the ninth. The descriptions of the House of Pride, the Castle of Disdainfulness, and his father Ignorance, and the enchantments of the Archimago, though occasionally disfigured by quaintness and bad taste, are likewise replete with power and fancy, and sparkling with thick sown metaphors and similes. His most celebrated descriptions of morning are not, perhaps, found in this book; but he has here some exquisite ideas of dawn, sunrise, sunset, &c. Pride, arising from her throne, is thus compared to Aurora:

" As fair Aurora in her purple pall,  
 Out of the east the dawning day doth call:  
 So forth she comes."

I. iv. 16.

" At last, the golden oriental gate  
 Of greatest heaven 'gan to open fair;  
 And Phœbus fresh, as bridegroom to his mate,  
 Came dancing forth, shaking his dewy hair,  
 And hurled his glittering beams through gloomy air."

I. v. 2.

" He feeds upon the cooling shade, and bayes  
 His sweaty forehead in the breathing wind,  
 Which through the trembling leaves full gently plays;  
 Wherein the cheerful birds of sundry kind  
 Do chaunt sweet music to delight his mind."

I. vii. 3.

" The joyous day 'gan early to appear,  
 And fair Aurora from the dewy bed  
 Of aged Tithon, 'gan herself to rear  
 With rosy cheeks, for shame as blushing red:  
 Her golden locks for haste were loosely shed  
 About her ears, when Una did her mark  
 Climb to her chariot, all with flowers spread,  
 From heaven high to chase the cheerless dark:  
 With merry note her loud salutes the morning lark."

I. xii. 51.

## CULTIVATION OF ORIENTAL LITERATURE.\*

*Labours of Dr. J. B. Gilchrist.*

MANY circumstances conspire to direct public attention powerfully to this subject at the present moment, when a new era is about to commence in the mode of qualifying the rising generation of British youth destined to fill the numerous offices, civil and military, in what is called the *service* of the East India Company, or, in other words, to exercise almost sovereign *rule* over the British empire in the East; a subject, therefore, of no ordinary importance, both as regards that part of the world, and the numerous families in this kingdom who look to it as a means of permanent provision for their offspring. In connection with a topic of such extensive interest, the volume now under consideration has appeared very opportunely. We, indeed, deferred noticing it for a few weeks in the expectation that the discussions so long pending between the two supreme Boards, which give law to India, as to the mode of

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\* 'The Orienti-Occidental Tuitionary Pioneer to Literary Pursuits, by the King's and Company's Officers of all Ranks, Capacities, and Departments, either as probationers at Scholastic Establishments, during the early periods of Life, their outward Voyage to the East, or while actually serving in British India; containing the most essential Clauses in the recent Haileybury College Suspension Bill; a very late but extraordinary monopolistic Regulation from the India House; with Copy of a Letter, dated July 31, 1818, to the Right Hon. George Canning, (then President of the Board of Control for British Indian Affairs;) prefixed to a complete regular Series of Fourteen Reports, (from 1818 to 1826 inclusive,) to the Court of Directors of the East India Company, &c., on the rigid Periodical examinations and elementary Education in Eastern Tongues of every Public Functionary, previous to nomination and consequent departure from England; earnestly recommending also the general Introduction, and efficient culture immediately, of Practical Orientalism, simultaneously with useful Occidental Learning, at all the Colleges, respectable Institutions, Schools, or Academies, in the United Kingdom, where the several Arts and Sciences, indispensable for the due discharge of professional or official Duties, are likewise communicated on rational and improved Principles to each Scholar, from Infancy to Adolescence, according to their respective occupations, prospects, and other circumstances. Including an accurate Alphabetical List of 1600 Students, with their several Ranks as Officers and Orientalists; Letters from the Asiatic Journal on the Education of Cadets; copious Paragraphs from the Language Institution's Reports on the Propagation of Christianity; certain Collegiate enactments by Lord Amherst; Extracts from a King's Officer's Pamphlet on the Indian Army; and some Hints relative to the Scottish Military Academy, founded last August in Edinburgh. Likewise a Brief Prospectus of the Art of Thinking made easy and attractive to Children, by the early and familiar Union of Theory with colloquial Practice, on commensurate Premises, in some appropriate Examples, Lists, &c., besides a comprehensive Panglossal Diorama for a universal Language and Character; accompanied with the Hindes-Roman Orthoepigraphical Alphabet, a few Specimens of synoptical Lectures on the principal Languages current in Hindoostan, and a perfectly New Theory of the Latin Verbs. By J. B. Gilchrist. London. August, 1826.

examination to be adopted, and the qualifications to be required of aspirants for Oriental office, might have sooner come to a close, so as to enable us to view the subject in all its bearings, as regards the experience of the past and the prospects of the future. It were better that the discussions of such matters by the public press should take place before that determination is formed, which will in all probability fix the course to be pursued for at least a quarter of a century to come. However, according to the system of "this best governed of countries, with its freest and most admirable of constitutions," it is thought fit that the laws should first be enacted by a secret conclave of Ministers, Directors, &c.; who then promulgate them with the determination of carrying them into effect in spite of any opposition of Parliaments, public assemblies, or "best public instructors," who have the privilege of wasting their wisdom in fruitless criticisms and complaints, which come too late, as our legislators are too "wise in their own conceit" to consult the public voice beforehand, and too jealous of their dignity to listen to it afterwards.

It would be impossible to approach this subject without having our attention arrested by the labours of Dr. Gilchrist, which have formed so prominent a feature of it for almost half a century past, even had no recent publication illustrated their magnitude and importance.<sup>22</sup> In taking up the book before us, we were at first tempted to collect together into one view the numerous high testimonials recorded during so lengthened a period, both at home and abroad, of the eminent services performed to Oriental literature by its author. We might have quoted the names of Indian Governors, Members of Council, Professors, and Orientalists without number, from the Marquis Wellesley down to the present time; but we felt that it was unnecessary to support a fame so well established by citing individual praises, even when proceeding from such profound linguists as Blaquiere, Wilson, and Colebrooke. The primary merit of Dr. Gilchrist's philological labours consisted in his having the judgment to appreciate the value and importance of a language which before his time was almost entirely neglected, but which he proved to be the most extensively useful of any tongue current in the Company's dominions. Deeply impressed with this fact, he collected, with vast industry and perseverance, the *disjecta membra* of this grand popular language, and settled its grammatical principles, till then almost unknown to our Oriental scholars. In short, he found the great current tongue of India, the language which in former times might have graced the court or the camp of Achar and Aurungzebe, like their thrones, trampled in the dust; he raised it up—wiped off the reproach which had been thrown upon it, as a low "Moorish jargon," and in establishing for it not only the dignity of a language, but of one most generally known among a hundred millions of people—he crowned his own reputation as the father of Hindoostanee philology.

He became in consequence the first professor of this language in the College of Fort William, under the auspices of Lord Wellesley; but the further rewards which would have followed as the natural fruit of his labours when arrived at this degree of maturity, were cut short in India; his constitution having suffered so severely from these unremitting literary exertions in an uncongenial climate, that he was obliged to return abruptly to Europe. On this occasion the Government of Bengal wrote the following public letter to the Court of Directors, dated Fort William, 29th February 1804:

“The Governor-General in Council has the honour to recommend Mr. Gilchrist to the particular notice and favour of your honourable Court, as a gentleman highly distinguished for his knowledge of the Hindoostanee language, and for his zeal, diligence, and success in the promotion of a most important branch of the public service. As the misfortune of ill-health has compelled Mr. Gilchrist to relinquish his situation in India, before he could have realized the just and full remuneration of his valuable and indefatigable labours, the Governor-General in Council earnestly recommends Mr. Gilchrist to the favour and protection of your honourable Court, as a proper object of the *liberal spirit* which your honourable Court hath *always* manifested in promoting the study of the Oriental languages.”

It will be seen in the sequel how far the Directors justified the expectation here so confidently expressed, or how far they deserved the praise of liberality bestowed upon them by their servants. The learned Orientalist, though removed from the first great field of his fame and utility, did not forsake his literary pursuits, as the numerous works he has since executed and tuitionary labours fully set forth in this volume, abundantly testify. In 1818-19 he renewed with increased ardour his exertions to diffuse a knowledge of his favourite Hindoostanee, having then commenced a course of lectures on that language in the British metropolis, in order to enable gentlemen proceeding to India, either as merchants or servants of the Government, to acquire beforehand some acquaintance with the first principles at least of the language chiefly used by the people among whom they were to pass the greater part of their lives. The East India Directors showed the extent of their liberality to an old servant and eminent professor of so very useful and important a part of Oriental literature, by allowing him a salary of two or three hundred pounds a year—a sum more suited to the allowance of a junior clerk in the India House; annexing to it also the condition of being a mere probationary appointment for three years only. This term being finished, and three years not being perhaps considered a sufficient period of trial for a servant of forty years standing, the probationary period of the same length was added. During all this time the



Company's juvenile servants were placed under no obligation to *study* the language, the rule laid down by the Directors being merely that they should obtain a certificate from Dr. Gilchrist that they had attended the lecture-room some short period, (not exceeding we believe two months,) but no certificate being required that they had taken the trouble to learn any thing when there. His probationary lectures were thus evidently conducted under the most unfavourable circumstances. His ardour in the cause of literature, however, made him long disregard these discouragements, as they affected his own interests. But he frequently and earnestly urged, for the sake of his pupils' real welfare, that some test of proficiency should be exacted from candidates for public office, which might operate as a stimulus to study, sufficient to overcome the seductions of a large metropolis to dissipation or indolence. Without the aid of such a test imposing the necessity of application, or of some reward held out to it in the shape of honour and promotion, the learned Doctor began at last to despair of seeing an Oriental Language Institution established in London with any considerable degree of success.\*

In June 1821, he therefore proposed to the Directors to hold out a bonus for the general cultivation of Oriental literature in the different universities and principal seminaries of learning throughout the kingdom; but this proposal seems to have met with no attention at the time from the honourable Directors, whose monopolising principles were far from disposing them to extend their patronage beyond their own favourite seminaries and protégés. Unfortunately the learned Professor of Hindoostance did not possess the accomplishments requisite to gain him a place among the latter; being, on the contrary, much addicted to the uncourtly practice of telling his honourable masters the plain and simple truth, however unpalatable it might prove, and that in the most unvarnished style. Of this, one or two examples will suffice. In his Report, dated January 1, 1823, he thus addresses the honourable Court:

“HONOURABLE SIRS,—Patience and silence have been constantly recommended to every body suffering under persecution, nor can I plead the want of such discreet counsel both from friends and foes, though not sufficiently cold-blooded myself to follow their advice, after clearly perceiving how hopeless the notion of any redress of grievances hath at last become in my case, now so completely desperate, that my chief consolation arises from having courage enough to look my oppressors in the face before the term of my temporary engagement can fairly expire; for that wretch must be a coward indeed who would not dash the eye of defiance at the teeth of a despot about to cut off unjustly one indignant head.”

These and other strong remonstrances against their unjust and

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\* See ‘Report’ of June 1824.



with pains or penalties, in consequence of the honourable Court of Directors' declared preference of the institution under me, with some slight improvement, to the magnificent university founded by his Lordship, and which was soon afterwards circumscribed within much narrower bounds.

To the injurious effects for twenty years afterwards of a strong suspicion, according to the declaration of the late Mr. Charles Grant to myself, then existing in the honourable Court, that Marquis Wellesly had forgotten his own dignified character and my fair fame, so far as to employ me in the vile capacity of a mean tool, to subvert and injure if possible the rival establishment to his Lordship's own college, then at Hertford.

On this surmise, however unfounded, I was assured the Court viewed me with jealous eyes, and would show little favour to a person suspected of being a hostile spy from India; whence, if so monstrous an idea could ever have been entertained, I was the very last man any one would have ventured to degrade as the instrument for so nefarious a purpose; and I then laughed it to scorn accordingly, and still spurn the imputation, being mean in the extreme, for adoption even by the most unprincipled politician.

To incessant efforts, three times a week, for six years, with the intermission of one month only on account of holidays, indisposition, or recreation of any sort, during the whole period, being at the rate of hardly five days altogether annual vacation, in order efficaciously to communicate Hindoostanee and Persian, more or less, according to circumstances, uninterruptedly, to 1300 pupils, all intimately connected with British India, as public functionaries or private subjects of that huge empire.

To some reasonable recompense for a species of monopoly at the India House, which operated for years against the use and sale of my philological works, that have, nevertheless, stood the test of ample experience, and braved the coward sneers of those illiberal opponents whose significant innuendoes, shrugs, and grins, too frequently speak unutterable things, especially behind the back of an author, whom they shrink from

alized a competency, instead of the limited sum at my command after reaching England in 1804. The following season I volunteered my gratuitous services at the Hertford College, whence I was in two or three months driven, by unavoidable disgust with clerical arrogance and circumvention; when, after laying out some hundred pounds on house-hire, and other contingencies on the spot, I was subjected to a heavy loss by the deduction of half the charge, and which has never been rectified, because, amidst other spoliations, this comparative trifle was beneath my notice.

By the annual allowance of 350*l.* only, which does not enable me to pay house-rent alone, an item that need not cost my legitimate Oriental competitors a single farthing, they having suitable apartments, or an equivalent in money, tea, sugar, &c., besides salaries each from 400*l.* to 600*l.* or 700*l.*, while mine has been parsimoniously restricted to 350*l.*, as a liberal boon! Every labourer in the Oriental vineyard is worthy of his hire; so am I, though no such thing has been yet contemplated in my solitary case; and had not the proceeds of expensive, if not hazardous, Oriental works, aided by a pension of 300*l.*, previously and dearly earned, formed an income commensurate with my annual disbursements in London, the produce of ceaseless literary toils under the very noses of my honourable masters, must have been, ere now, a second insupportable load of debt, in the twilight of a laborious existence.

From the first enormous burden of the same sort, nothing but the accidental arrival of Marquis Wellesley in Bengal, and the subsequent encouragement of Orientalism there, could have saved me from the jaws of a jail, then yawning to swallow me alive, for that very large lexicographic expenditure, whence the whole of the existing Eastern institutions may be most legitimately traced up to the identical man who has been treated, since 1804, more like a worthless pauper than an enterprising practitioner in the most useful literature of British India. There, my superiors were gentlemen, far above the parsimonious baseness of trying to lower

meeting as erect rivals face to face, pen to pen, or any thing else, in daylight, with fair play,—a jewel which seldom falls to my lot.

To the non-fulfilment, by the honourable Company, of Marquis Wellesley's stipulation of a pension of 700*l.*, held out to the Professors at the Calcutta College originally, on the faith and strength whereof I was reconciled *pro tempore* to waive all my medical expectations, and take my then promising chance for good as a member of that very College which actually sprung from my private means and preceding exertions for ten years at least, with no commensurate aid from the local Government to so important a desideratum as a complete system of Hindoostanee philology was, is, and long will be, to one hundred millions of Asiatics.

"In the event of the foregoing account appearing at all obscure to your honourable Court, I may safely engage to convince any number of unprejudiced auditors and umpires that it will stand the test of deliberate investigation both now and hereafter; otherwise I shall have exposed my own good name to jeopardy, for the sake of that, with which compared, the round balance stated in my favour below seems mere trash, and scarcely worth a second thought by any honest man, who, like me, scorns to be the slave of avarice, or of any tyrant upon earth.

"Should this opportunity of redressing my complaints, like all preceding occasions, be evaded, because a sense of justice is my only pleader, the pecuniary loss thus thrown upon me can imply no ignominy, whatever it may reflect from *mens sibi conscia recti* on those who never would know, nor could ever appreciate its genuine worth. Had I served self-interest, while in your employment for many years abroad, as faithfully as I have done my honourable masters there and at home also, the *res angusta domi* never could have forced me, as a petitioner, to darken the door of your honourable Court; and while at last circumstances oblige me to turn my back upon it for ever, let me respectfully, but independently, add—*alterum nunc procul inveni portum, hic spes et fortuna valete!*—not, however, to grow weary of well doing, but to enjoy a reasonable competency very fairly earned, with resignation and content, whatever the result of this ultimatum or claim may be, for a debt of ten thousand pounds, due to me in honour and equity by the honourable Company, who are surely too wealthy ever to think of compounding, below par, with any fair-dealing creditor, lest a stain should sully their reputation, which all the holy water of the Ganges would never obliterate, were the banners of Old England to wave triumphantly over its banks till the last trumpet shall sound the dawn of retribution, and the still more awful day of judgment."

As the India House remained still unshaken, it was impossible to entertain any further hope from that impenetrable region. But it is gratifying to observe the progress which the cultivation of Hindoostanee made in the meantime in India. Formerly, so little was a knowledge of the language of our Native soldiers and subjects held in repute, that the office of interpreter on courts-martial was left, it appears, to the Portuguese drummers. To the fidelity and capacity of such wretched instruments, were intrusted the fate of

a subordinate with the insolence of office, even when patient merit appeared inclined to succumb, as I have in this country occasionally done.

By occasional aid to defray printing expenses (which my legitimate competitors, since they began to publish, have all been in the habit of receiving in advance from the Company's treasury to a considerable amount) for a variety works published by me in London, notwithstanding repeated claims to that effect, NOT ONE PARDING; though those identical publications will furnish almost infallible means to thousands of persons in the Company's immense domains, before they leave home, to acquire the Native languages on the easiest terms, in respect to expense or toil of any sort, and for many years to come.

the poor sipahee placed on his trial, and, what is more important, the proper understanding between the body of Native troops and their European officers. In these good old times it would sometimes happen, (of which an instance is on record,) that when a Native brought intelligence to the commanding officer that part of the camp was on fire, the latter, not comprehending the message, coolly replied, "*bote acha*,"—"very well,"—leaving the destructive element to take its course. A still more direful calamity was the result of such ignorance in the lamentable affair of Vellore in 1806, where the black troops had conspired to murder their British officers and fellow soldiers; when a Native, who would have given them timely warning of their fate, and saved the effusion of blood, addressed himself for that purpose to a European officer, the latter was obliged to call in another Native to act as interpreter, who, being himself in the plot, gave such a representation of the matter as effectually prevented discovery till the massacre actually took place.

That enlightened ruler of India, Lord Hastings, very early perceived the importance of remedying this radical defect in the constitution of the Indian army; for which purpose, in 1814, he instituted the office of interpreters to Native battalions, which is considered to have produced the happiest effects; although the improvement would have been far more complete had the interpreters been selected with a rigid regard to merit and qualification for the office. Unfortunately, however, as in other departments during his Lordship's administration, interest and favour were frequently allowed to prevail; fuller scope being given them here by the absence of any strict test of fitness for discharging the duty. Sir Edward Paget having succeeded to the office of Commander-in-Chief, endeavoured to remedy this defect by an order dated February 1823, prescribing an examination before a committee of officers to ascertain the competency of every future candidate for the office of interpreter to discharge its duties; their report, if favourable, to be afterwards revised or confirmed by a second examination before the public examiners of the College of Fort William. Even interpreters who had been installed previous to the date of this order, were likewise to be required to pass a similar examination twelve months after its being promulgated. But unfortunately, these graduates under the old easy system of interest and favour were unwilling to venture on such an ordeal of merit, only calculated, they perceived, to advance the "upstart claims" of learning and industry over the "vested rights" of ignorance and indolence. But, indeed, all such retrospective laws, though good in themselves, involve a violation of the general principles of justice, which cannot fail to excite strong opposition in those whom they effect. And it must also be confessed, that the scale of qualifications required was perhaps made too high in the first instance, giving the experiment altogether a character of alarming innovation and

severity. The following were the qualifications required of the candidate for examination :

1. A well-grounded knowledge of the general principles of grammar.
2. The ability to read and write with facility the modified Persian character of the Oordoo, and the *Devi Naguree* of the *Khurree Bolee*.
3. A colloquial knowledge of the Oordoo and Hindoosce, sufficient to enable him to explain with facility and at the moment any orders in those dialects, and to transpose reports, letters, &c. from them into English.

The tests by which these qualifications are to be tried, are :—

1. By well selected questions, not of niceties, but of the general leading principles of grammar.
2. By *viva voce* conversation with the examiners.
3. By written translations into Hindoostanee, in both characters, of selected orders or rules and regulations.
4. By reading and translating the *Bagh-o-Buhar* in Hindoostanee, the *Preni Sagur* in *Khurree Bolee*, and the *Goolistan or Unwar-i-Soluelee* in Persian.

Similar measures, though on a smaller scale, have been adopted by the Government of Bombay to promote the study of the Native languages in that quarter of India. By a regulation, dated January 1824, it was declared, that thenceforth no medical officer should take charge of the duties of vaccinator, or be appointed to the medical charge of the residencies of Baroda, Sattarah or Bhooj, without first passing an examination as to his knowledge of Hindoostanee, Mahratta, or Guzerattee. As a further stimulus to study, certain extra allowances and peculiar indulgences have also been held out, both in that and in the Bengal presidency, to such as may prove themselves to have attained the desired proficiency ; in the former, an additional allowance of thirty rupees per mensem for the hire of a moonshee ; in the latter, the indulgence of a horse and exemption from battalion duties,—distinctions which have sufficient attraction for the youthful aspirants to military fame in India ; as proved by the numerous extracts quoted in this volume from their letters to their friends in England, expressive of their gratitude to him who first directed their steps in the path of Oriental learning, and thereby paved the way for their present good fortune. With the heartfelt gratitude of the thousands whom he has thus forwarded on the road to honour and emolument—with the honest consciousness of having by his labours qualified many hundreds of servants of the Government, to support in a superior manner to what they could otherwise have done, the interest and credit of the state, Dr. Gilchrist may well dispense with the gracious smiles of the twenty-four lords of Leadenhall-street.

Towards the close of the volume is a list of no less than 1600 students who have profited by the Doctor's Oriental lectures

during the period between 1818 and 1826, a substantial proof that his talents and industry have been exercised upon a pretty wide field ; at how moderate a charge to the public, may be estimated by the following statement of the comparative expenses of Haileybury and Addiscombe, in the same department :

“ At the conclusion of these sheets, (the learned author observes,) a comparative view of expense connected with 1600 Oriental students, who received elementary instruction from me in the two most essential languages of the East, during a space of eight years, cannot be esteemed altogether out of place, when fairly contrasted with the charges incurred at the East Indian Colleges and Institutions in both hemispheres, in the same period of time, and for an equal number of pupils. From the dogmatic refusal, some months ago, of the most essential documents relative to this statement, by the constituent and executive courts, it must be candidly acknowledged, that the calculations below are rather in round numbers, and in a great measure hypothetical ; but more from an evident lack of materials unjustly withheld, than from any desire on my part to mislead the public, either by prepossessions or prejudices on the topic now in question, between myself and those highly endowed competitors, with whom I have been running a race on the high road of Oriental utility to the present issue, that the world may clearly see whether I or they have done the most good in the shortest practical time, and at the least possible expense to the honourable Company in general, or to their individual servants in particular. Haileybury has in eight years produced 320 writers, more or less versed in certain Eastern accomplishments ; and Addiscombe, say 240 cadets, of a similar stamp, in all being 560. Now, for their merely Oriental education, not fewer than ten *Professors, Visitors, Superintendents, Assistants, &c.* have been receiving salaries on the average of 800*l.* per annum each, which, including house-rent, board, *perquisites*, coal, candles, contingencies for stationery, printing, gratuities for publishing, with other miscellaneous items, will prove much below, instead of being anything above the mark ; and that sum, which in one year is 8000*l.*, multiplied by 8, gives exactly 64,000*l.* ; this being divided by 560, brings the cost of each pupil up to 114*l.* at least ; and if we add to this all the subsequent heavy expenses for the civilians at the establishments in British India, the total amount may be safely estimated about 90,000*l.*, to furnish 560 youths with as much useful knowledge as the institution under me gave to 1600 servants or subjects of the honourable Company for, at the utmost, 4000*l.* in the course of eight years. Assuming that 90,000*l.* have been *bonâ fide* disbursed for giving on an average not more useful Orientalism to 560 students, than 1600 actually received from me, in the same period of time, for only 4000*l.*, the comparison stands thus :—my pupils cost the Company only 2*l.* 10*s.* per head—those at their legitimate establishments, the enormous sum, for Orientalism alone, of 160*l.* each : in other words, the annual expense of each pupil at one place is 17*l.* 17*s.*, and at

the other 6*s.* 3*d.* only. It must moreover be recollected, that thousands on thousands have been laid out on buildings and a variety of miscellaneous charges for the legitimate schools, for which, as far as my class was concerned, not a farthing was at any time advanced beyond the 4000*l.* for my allowances of every description, during eight years. Both pictures, without any intentional false colouring by me, are thus placed in due contrast, and will yet perhaps produce some commensurate result."

We are desirous of adding only a few words on the system which has lately been adopted of qualifying and ascertaining the qualifications of candidates for the Company's civil service. Those who have not studied at Haileybury (which is no longer a *sine qua non*) being to undergo an examination by two Professors from Oxford or Cambridge, specially appointed for that purpose, the following are the prescribed tests of proficiency by which their acquirements are to be tried; and it is necessary to premise, that in these a maximum and a minimum is fixed; the latter being indispensably necessary, but those who prove themselves to be possessed of the greater being entitled to rank higher on the list of appointments. These are as follows:

MAXIMUM.

*Greek*.—To read some of the works of Homer, Herodotus, Demosthenes, or a Greek play.

*Latin*.—Part of Juvenal, Tacitus, Livy, and Cicero.

*History*.—Russel's Modern Europe, Paley's Evidences of Christianity.

*Science*.—Arithmetic, Algebra, Plane Trigonometry, Logarithms, Mechanics; the four first and the sixth book of Euclid's Geometry.

*General Reading*.—History, Geography, and Philosophy.

*Oriental Literature*.—Hindoostanee and Persian languages; these, however, being quite voluntary, and not strictly required even in the maximum, though it will be considered as raising the candidate a step higher in the order of merit.

MINIMUM.

To read the Greek Testament and possess a competent knowledge of at least two of the Greek and Latin authors, Elements of Arithmetic and Algebra, including simple Equations.

Though those who attain the maximum will rank highest on the list of candidates, they must still stand inferior to those educated at Haileybury, for whom it is thought right to reserve this privilege of precedence; but how long a period it may be guaranteed to them is undetermined; probably, however, the uselessness of such an establishment may be so fully demonstrated, that it will be dispensed with altogether.

The new system will, in the first place, secure an object long regarded as a great desideratum in Eastern policy,—that of breaking down that close system of education which had the effect of erecting the Company's civil servants too much into a peculiar class by themselves, whose minds and habits, being all formed upon one model,



and their ideas drawn from one source, were little calculated to operate as a corrective upon each other, and adapt themselves to the various emergencies into which they might be thrown. The present mode of recruiting their ranks, by bringing a fresh influx of intellect, through various channels of education, must tend greatly to liberalize and improve the general tone of feeling throughout that extensive body, which has already produced so many distinguished men, notwithstanding their genius might be cramped in the outset by the trammels of Haileybury.

Hitherto, the necessity of passing through the ordeal of a residence, for a number of years at that place, must have deterred many from entering the Company's service at all, though fully qualified by a liberal education at other seminaries, and likely to become the brightest ornaments of such a service, had it been possible for them to enter upon it at once, on giving proofs of their qualifications. But such men would not condescend to undergo the unnecessary loss of time and restraint of several years study at Haileybury; though they may willingly pass through the present ordeal of an examination which at once opens a path for them into active life.

Every one must perceive at a glance the great public advantages that cannot fail to result from this new facility given to the influx of learning and talent into the Company's service. The mode of examination proposed may, however, be attended with one considerable disadvantage, especially to candidates educated in the northern part of the kingdom, whose acquirements are to be tried by persons whose standard of learning is founded on the model of the English Universities.

As the mode of reading or pronouncing the ancient languages differs so much in the different parts of the island, that Scotch and English professors of them would often be nearly unintelligible to each other, the pupils of the one must labour under peculiar inconveniences, if subjected to an examination by the other. Since this would amount to a species of monopoly in favour of the seminary and system of the appointed examiner, it would appear more fair and equitable to all the seminaries throughout the three kingdoms, that the candidates from each should be allowed to pass, on undergoing an examination, and procuring a certificate of proficiency from their own university.

In regard to the Oriental languages, the acquisition of which in England is now made entirely optional, it is more necessary than ever that some general stimulus should be applied to prevent so important a branch of study, not in itself attractive or popular, from being entirely neglected; otherwise the public service must suffer considerable detriment. The most simple and efficacious test would be that all should take rank (*ceteris paribus*) according to their proficiency in the languages of India; and with regard to cadets, if there is still to be no examination in England, it might be made a rule, that on their arrival in India, they should each have

a Moonshee assigned them, and a certain moderate deduction, (as thirty rupees per mensem,) made from their income, for his salary and the necessary Oriental works, till they can prove, by an examination, that they have attained the necessary proficiency. This being ascertained, they would immediately be released from the incumbrance of a Moonshee quartered on their pay; and pride as well as self-interest would make them sufficiently eager to escape from such a tax on their ignorance and indolence.

Though this would, therefore, be a stimulus sufficiently operative, it would be by no means too severe in its consequences, by interfering with their relative rank, or in any way materially affecting their future prospects. And it would, without any expense to the Company, secure to it a body of servants possessing that most necessary important accomplishment—a knowledge of the languages of its soldiers and subjects.

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TO MY CHILD SLEEPING.\*

*By Alaric A. Watts.*

MY fair-hair'd boy, as thus I gaze  
Upon thy calm untroubled sleep,  
I feel the hopes of other days,—  
The cherish'd hopes, for words too deep,—  
Unfold within my heart again,  
Like flowers refresh'd by summer rain.  
The brightness of thy dark blue eye  
Still peers its half-closed lids between,  
Like glimpses of an April sky,  
Through clouds of snowy whiteness seen:  
And dimpling smiles are ling'ring now  
Round thy sweet mouth and sunny brow.  
The spirit of some gentle dream  
Hath kindled sure thy glowing cheek,  
And lent that half-shut eye the beam  
Which seems in furtive light to speak  
Of tameless glee—of antics wild—  
Of "nods and becks"—my sainless child!  
October's winds are chill and drear,  
And howl our cottage-home around,  
Whilst emblems of the waning year  
In ceaseless eddies strew the ground;  
I gaze upon the leafless tree,  
And deem it but a type of me!  
But when I turn from Nature's waste;  
From thoughts those saddening sights can bring;  
And look on thee, I seem to taste  
The freshness of a second spring;  
And feelings, long repress'd, arise,  
That whisper hopes of brighter skies.  
Oh, did not anxious cares alloy  
My bliss with thoughts of future ill,  
Now might I taste of perfect joy,—  
My heart with sweetest rapture thrill,—  
As thus, with yearnings fond and deep,  
I watch my guileless infant sleep!

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\* From the 'Literary Souvenir' for 1827.

*To my Child Sleeping.*

But bodings full of fear *will* throng,  
 Unbidden, on my feverish brain ;  
 And thoughts of sickness, blight, and wrong,  
 Come back upon my heart again :  
 And, sitting by thy side, I grieve  
 O'er dreams I cannot choose but weave.

I turn me to the past, and mourn  
 That what has been again may be ;  
 I weep, lest ills that I have borne  
 Should be in store, my child, for thee ;—  
 To warp thy truth, to cloud thy brow,  
 And make thee all that I am now ;

The slave of anguish, that has taught  
 My harp the echo of my heart,—  
 Of hopes, with bright enchantment fraught,  
 To stir my soul, and then depart,—  
 Of gentle thoughts, inspired to bless,  
 All turn'd to ten-fold bitterness ;—

Of waning health, a wasted frame,  
 Worn by the racking strife within ;  
 Of pride, not even grief may tame,  
 That weighs upon my heart, like sin ;  
 Of glowing visions of delight  
 Quench'd by their own excess of light ;—

The dupe of every sordid fool,  
 With just enough of sense to cheat  
 A simple novice in the school  
 Where souls grow learned in deceit ;  
 The victim of man's selfish schemes,  
 For deeming him the thing he seems !

Till every finer feeling seared,  
 Each kindlier impulse rudely check'd,—  
 And hopes my trusting youth endear'd,  
 Crush'd by unkindness or neglect ;  
 I look around with alter'd eye,  
 And deem the world all treachery !

Yet it shall have my blessing still,  
 And I will worship its decree,  
 Will bend, un murmuring, to its will,—  
 Nay, court its frowns and contumely,  
 So every wrong it heaps on me,  
 May win its smile, my babe, for thee.

But lo ! those merry eyes unclose,  
 And dart their thousand meanings round,—  
 Thy cheek with fresher crimson glows,  
 Thy brow with sunnier light is crown'd,  
 As bursting slumber's silken chain,  
 Thou bidd'st past hopes revive again.

Thus do thou—ever thus—when Care  
 Flings her dark shadows o'er my way,  
 And hopes, as perishing as fair,  
 Like wither'd leaves have dropp'd away,—  
 Shed light upon my heart and brow,—  
 To rapture turn my tears, as now !

## REVIEW OF TRUTH, A NOVEL.\*

THIS is a work of uncommon interest and merit. Considered as a novel, it is in the highest degree amusing; the sympathy excited in the beginning for the principal characters increasing continually, so that, when the hero and heroine are successively dismissed, the reader feels that fiction has created two new modifications of humanity, which, like Parson Adams and Sophia Western, must maintain through life a prominent position in his memory. We would not, however, be understood to mean that Mr. Evanshaw and his daughter bear any likeness whatever to the renowned personages above mentioned, except inasmuch as they are virtuous like them; but that, perhaps, they deserve "in their condition" to be as lastingly and carefully remembered. Novels have long constituted an important department of our literature; and, although they are undoubtedly allowed to engross both writers and readers a good deal too much, they greatly contribute to *diffuse* those opinions and feelings which are *generated* by works of a higher kind. The three volumes before us, in addition to their claims as well contrived and highly interesting fiction, are made the vehicle of various truths on subjects of primary importance. These truths the author puts in the mouths of characters in whom they appear congruous and natural, and who utter them accidentally in the unguarded warmth of conversation. Perhaps his boldness and candour may to many appear far too great, as the custom is for every person closely to veil his own sentiments, while prying with the eyes of Argus into the heart of his neighbour. But we think it of the utmost importance that society should understand itself, and be always fully acquainted with the changes that are going on in its own bosom, which it never can, unless every man may venture to unfold his opinions to the public. Therefore, though it should be proved that the writer of 'Truth' has given birth to many erroneous opinions, there would seem to be no reason for raising a clamour, as has already been attempted, against the work, while the usual weapons of reason and argument remain unimpaired.

A main part of the design of the author, if we apprehend him rightly, has been, to expose the absurdities ordinarily committed in female education. His own views on the subject are not free, perhaps, from objection; but, at all events, he builds his theory on an intimate acquaintance with the beauty and excellence of the female mind; and Miss Evanshaw, amiable and noble as she is, seems to be hardly an exaggerated example of the fruit which his

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\* 'Truth, a Novel. By the Author of 'Nothing.' 3 vols. post 8vo. London. Hunt and Clarke. 1826.

system of culture would produce. The present mode of education is less absurd than that which would transform women into men, by giving them our coarseness, worldliness, and political passions, as it is much better they should be trifling than repulsive; but, perhaps, it would be possible by another system to confer upon women the intellectual vigour of the other sex, leaving them still their softness, their delicacy, and that indescribable grace of simplicity for which, when wanting, no earthly accomplishments can compensate. There is little doubt in our minds, that if legislators would create a virtuous population, they should begin with conferring a proper education on women. The love of home is the root of all our private virtues; but it is not possible that men should be attached to their hearths and household gods, if these are associated with ignorant vixens, or with paltry triflers incapable of exchanging a great thought with man. It is, however, impossible to have observed life with any degree of care, without being struck with the influence which well-principled women exert, even now, over their husbands; for very few men dare impart to their wives the paltry schemes and mean tricks they will be guilty of in their dealings with the world. But were the education of women conducted on proper principles, and with due care, their influence would be increased tenfold; for the virtues sown in youth in their minds, preserved as they would be in the sanctuary of retirement, could never lose their freshness and force, as unfortunately they too often do in men. Nature herself, revealing her views through the greatest intellect that man has ever yet manifested, declares that "where the education of women is neglected, a nation can be but half happy." There is in this sentence the truth and the brevity of an oracle; and the novel before us may be regarded as an admirable unfolding of this text.

Considering, however, the taste of the times, and its craving after excitement, it perhaps might be but a slight recommendation to say, that the book inculcates just notions of female education, or of any thing else; all this would be utterly thrown away, were the characters feebly drawn, or ill sustained, were the story languishing, or the events awkwardly connected. But the tale is every way as well managed, as the moral sentiments it is meant to convey are dignified. The interest we take in the heroine is intense; and, which is somewhat uncommon, increases as we approach the end—the end, we mean, of these three volumes; for the author will certainly not permit the narrative to close at a point where, it must be evident, his general design can by no means be furthered by a termination. Pictures of Scottish manners have of late been rather familiar to the public, but, perhaps, nothing approaching the severe fidelity of 'Truth' has ever appeared, because the majority of novel-writers are apt to imagine fictitious manners, though without consistency or keeping, more interesting than such as are real.

It is safer, too, to describe the manners of the great, and of buffoons and clowns, who are generally their companions, than it is to meddle with those of farmers and middling gentry; for, besides that the "great" are a particularly monotonous race, much fewer readers have any opportunity of detecting false colouring and bombastic exaggeration. All the *dramatis personæ* of 'Truth' belong to the middle ranks; for, although Mr. Evanshaw and his daughter reflect now and then, with some degree of complacency, on their "ancestors," these ancestors, like themselves, occupied the golden mean, the residence and birth-place of all the virtues.

In developing the character of his heroine, the author has overcome extraordinary difficulties, for, by skilful management, he has succeeded in rendering a doubting disputations young lady perfectly amiable. Miss Evanshaw is quite an original character. Thoughtful, argumentative, proud by nature from the beginning, she nevertheless shrinks modestly from all display before strangers, and reserves her acuteness and brilliancy of remark for the paternal ear. In her father's library, surrounded by the proud records of human thought, piled over each other in profusion, and by pictures in which the brightest of those thoughts were illustrated, she experienced no difficulty in clothing her conceptions with words; but in company, where ordinary children are seldom at a loss for words, Elizabeth wanted assurance sufficient to enable her to repeat a hymn. This sensitive modesty appears in two very different lights to the two parents: to the mother, a stern and gloomy fanatic, it seems nothing less than stubborn wilfulness; the father understands his child.

As Mr. Evanshaw and his wife are in all respects the antipodes of each other, they wrangle perpetually on the subject of their daughter's education; the lady, contending in the words of Solomon, that "he ~~who~~ spareth the rod, spoileth the child;" and the husband, maintaining the notion of Quintilian, that corporal punishment has a tendency to degrade the mind. Their ideas differ no less in respect to labour. Mr. Evanshaw thinks that a lady of fortune has little need of being initiated in the abstruser mysteries of the needle, which he would abandon for languages, music, and intellectual accomplishments: his lady regards these as of diabolical origin, and calculated to lead souls astray. Then comes the grand article of religion, the eternal "stone of stumbling and rock of offence." Mrs. Evanshaw is a believer in that iron-hearted creed, which speaks coolly of election and reprobation, and everlasting punishment; but her husband is one of those Christians of uncertain creed, who believe and practise what is mild and amiable in their religion, and shut their eyes upon the rest. As, therefore, each abhors the religious notions of the other, each endeavours, in a very earnest manner, to infuse into the child's mind the *only true faith*. The mother boldly denounces her husband's creed as a

damning heresy; the father, on the other hand, speaks of her belief as mere fanaticism, which God might pardon, but which it is illiberal and wicked to indulge. What can the child do? How is she to judge between them? Why, indeed, must her infant mind be at all harassed with controversy, and plunged in the endless mazes of theology? Her imagination sickens on the brink of the chaos before her, and gazing on its abysses awhile, she at length turns back, and refuses to enter it at all. In other words, she rejects both creeds, and starts up between them—a *sceptic*. This, at first sight, may seem a thing utterly improbable, but it is not without example. Indeed, all Christians agree in considering very young children capable of receiving and comprehending the doctrines of Christianity, for we every day hear of conversions being wrought on infants; and if infants are capable of *belief*, they are capable of *unbelief*, or their belief is not worth much. Miss Evanshaw, therefore, in becoming an unbeliever, as it were, in the nursery, is not more extraordinary than those numerous children who are constantly *awakened* in the conventicles, or who in Catholic countries are constrained to go to auricular confession. According to the Popish superstition, little boarding-school misses, to whom the world is utterly unknown, are yet overflowing with sin, and require to ease their hearts and unburden their consciences by confession. In most cases, however, the vocabulary of sin and the ideas of unrighteousness and impurity are learned in the confessional box, and the little adepts in the language of crime, communicate a list of the offences of which they have been taught to think themselves guilty, to their companions, who, before confession-day, flock round the initiated, requesting permission to *copy their sins*, as all their sins are much alike, and as they always make a list of them in writing.

Perhaps, however, the mind may be much earlier capable of belief than of understanding, which would account for the strong hold which the most absurd superstitions maintain over the greater part of mankind; but, at all events, Miss Evanshaw professes incredulity at a very early age. Her faculties, indeed, are of that kind which ripen too soon, bursting, like a tropical day, from darkness to light, without any morning twilight intervening. But, though thus precocious, her mind, we think, is perfectly natural, and not more extraordinary than the minds of many celebrated children have been. Dermody could translate and criticise Horace at eight or nine years old; and Xenophon, a judicious and cautious writer, represents Cyrus as capable of comparing national manners, and exposing the established customs of the court of Media, at twelve. Extraordinary positions precipitate the maturity of the mind; and the circumstances in which we find Miss Evanshaw are quite extraordinary. Forming almost the only link between two dissimilar and jarring spirits, united by law, but repelled from each

other by the fiercest antipathies. She learns to distrust the opinions of both, as each of them distrusted those of the other. But her scepticism extends no further than revealed religion. In God, his goodness and mercy, she still maintains her belief; and virtue being the only means left her of procuring happiness, her attachment and reverence increase in proportion as she relinquishes dependence on other springs.

Mr. Evanshaw, a man of genuine piety, now experiences the most poignant sorrow. Infidelity was the last malady towards which he could possibly have suspected a tendency in his daughter's mind, and, therefore, when he finds it deeply rooted in her soul, hedged round with arguments, and sanctified with the reverence due to truth, the perturbation of his mind utterly transcends description. He has recourse, however, to no tyranny to enforce his own opinions, for this would at once be contrary to his character, and his convictions of what would be useful; but he holds numerous conferences with his daughter, and reasons and argues vehemently against her unfortunate notions. All in vain. Powerful minds grasp their persuasions with inextricable firmness, and rally all their energy in defence of them. Miss Evanshaw never for a moment dissembles her conviction, but, at her father's desire, she undertakes a rigid re-examination of the doctrines of Christianity. The result is unfortunate. Her scepticism only grows more confirmed.

Mrs. Evanshaw never loved her daughter, never, at least, after her husband had presumed to meddle with her education. But the rancorous hatred with which she now beheld the odious infidel is hardly conceivable. She abhorred her presence; and her husband dying suddenly while Elizabeth was about sixteen, this pious mother adopts a course of proceeding which quickly drives the beautiful unbeliever from the dwelling of her forefathers. Elizabeth, now become the disciple of that hard master, adversity, be-thinks herself of converting her accomplishments into the means of earning an honest livelihood, and undertakes to fulfil the office of governess in the house of a Scotch gentleman. Here she undergoes much mortification and contumely from a race of wretched unintellectual females; and, more cutting still, witnesses the decay and death of a proud young beauty, from what is expressively called *a broken heart*. But even to this retreat, the vengeance of her mother pursues her in the shape of an anonymous letter, disclosing her dreadful principles, which, however, are so far from producing any dreadful effect, that it is impossible to imagine any thing in the form of woman more thoroughly lovely than Miss Evanshaw, or more purely virtuous. From this place she removes to Edinburgh, and enters in the same capacity into another family. Here her life runs more smoothly. The various members of this new family, at once benevolent and perfectly well-bred, soon learn to appreciate



the incomparable excellence of the youthful governess, who exercises, wherever she happens to be, that nameless influence over the minds of those around her, which is the peculiar attribute of superior minds. But as her mother considers all sublunary happiness a thing which no infidel ought to taste, and least of all her own infidel daughter, she again discovers Elizabeth's residence, and by insinuations and disclosures succeeds in dislodging her once more. The poor girl, bearing about in her soul the wound which causes her to be shunned, like the stricken hind, by her own species, finds, nevertheless, one friend in the mother of the young lady who had died of a broken heart. This genuine woman, true to the character of the sex, when unsophisticated, receives Elizabeth with the affection of a parent, and forgives her the heinous crime of differing from her in opinion. By her exertions another family in want of a governess is made acquainted with Elizabeth's worth, and the sceptic, therefore, is once more engaged in the work of education. In this family, a cluster of uncouth originals, Elizabeth performs something like a miracle. Before her arrival, these honest lieges, farmers of considerable wealth, had really no conception of civilization; they laboured, they lied to each other and to all the world, they let their minds lie fallow, they acquired nothing from their spiritual teachers but cant, nothing from their neighbours but envy. Here, therefore, she was a female Orpheus among the beasts. At her first arrival, however, she sees no prospect of being useful among animals so utterly destitute of ideas; she is stunned by their brawls, and disgusted with their vulgarity. But certain circumstances occurring to detain her there a few days, she relinquishes the design she had formed of returning to Edinburgh, and resolves to essay the reformation of these wild creatures. Scenes infinitely ludicrous ensue with dialogues admirably comic. In fact, the veil is completely drawn aside from the manners of our northern shepherds, and the features of their Doric simplicity are depicted with a vividness and force of colouring rarely exceeded in fictions of this kind. There is considerable humour in this portion of the work, and that, too, of so broad a kind as to sprinkle the reading of it, like a parliamentary speech, with many a parenthetical laugh. Certain amusing peculiarities of the husband-genus, in that rank of life, are exposed with admirable tact; and, as accompaniments, the consequent infirmities of the wives are likewise given. All thorough novel readers are now fully acquainted with the Scotch dialect, the broad Doric of Great Britain; and, therefore, they will easily comprehend and relish the following extract, which we think has much salt in it. Discoursing one day, soon after her arrival at Careacres, (the name of the farm,) with the lady of the mansion, *nomine* Mrs. M'Tack, the subject of concealment from the husband comes upon the *tapis*, in the midst of much other discussion. Mrs. M'Tack has a rich brother in the West Indies, who, as he happens to be unmarried, is expected to bequeath his wealth to her daughters:

and it is in the hope of gratifying this relative, who had hinted a dislike of their ignorance, that the young Misses M'Tack are to be initiated in the mysteries of learning. Wishing to discover what kind of education the parents of these girls desired them to have, Elizabeth attempts to worm the secret out of the mother. Finding, however, that her notions of education extend no farther than to the silly accomplishments once thought indispensable in a fine lady, but now generally exploded, the governess recommends reading, drawing, and music, as accomplishments much more likely to please the West Indian. Mrs. M'Tack replies:

“ ‘ But how am I to ken that he will be pleased wi' that either, for he never was pleased yet wi' any thing I did? When I was gawin to be married, he wrote me a lang letter, and a sensible letter it is—I have it to this day—for he has an unco head piece; and for a' sac cross as he is to us, they say he has been like a father to the nigers, and that he's ane o' them that they ca' malevolent planters, and—’

“ ‘ Benevolent, I suppose you mean.’

“ ‘ Very likely, it's the same thing—Weel, he sent me hame a letter like a preachin', and injured me, as he ca'd it, to have no concealments from my husband; and said, if I had a family, what a lesson it was to them, and what not. Weel—I thought I would try his plan; but waes me! it was perfectly impossible, and if I had na had my worthy mither's example before my eyes, I might have grutten them out like some o' my neighbours, and yea puir, silly, unexperienced cratur, that brak her heart.’

“ ‘ But surely (said Miss Evanshaw) what is taken from the husband is taken from the wife.’

“ ‘ Exactly—yes, yes, that sounds very fine, joust like my brother's nonsense, begging yere pardon; but where was the necessities of life to come frae? I'll not deny that I have wondered myself what's the meanin' o'd, that men should consider their wives as na better than thae wild craturs, the thieves o' the desert, the deshendants they tell me o' that limmer Hagar: some say it's out o' revenge upon Eve for the temptation, and am sure they have revenged themselves tenfold. I'm very sure that if a farmer's wife—it may be otherwise wi' yar gentry—but if a farmer's wife was married sixty years, aye, a hunder, if sic a thing could be, and if she was never, in a' that time, to ask for a fleece o' woo' or a beet o' lint, or a saxpence o' siller, he wad never say ‘ where d'ye get food and raiment? ’ I'll gie an instance—The first year after I came to Care-acres (for we've been here a' this time) I got a web of woollen made, and another of linen. Weel, I wad try my brother's plan, and instead of taking what I could catch to pay the weavers like other sensible folk, what dis I do?—I've many time lauched at it since—I bade the men mak out bits o' lines o' the cost, and I gae them to my husband. I'll never forget his look—‘ What's that? ’

quo' he; 'The weaver's notes,' quo'I. 'The weaver's notes! d'ye think I mak my siller to throw to the cocks?' I was terribly vexed, and had to—to, in short, to steal meal and any thing I could get, to pay them. I wrote my brother the whole story, for he was in a manner accessary, and what d'ye think was his answer? I'll never forget it:

" 'If you have married a man that deserves to go to the devil, you deserve to go along with him, and I shall pity neither the knave nor the fool.'

" 'This bonny letter, that I weel thought wad bring me some pocket-money, cost me half a crown, and warst of a', cam in whun the gudeman was by, and I was obliged to say it contined some preevit concerns of my brother, that I was not for to divulge.'

" 'Good heaven! (said Elizabeth,) were you not afraid that the earth would open and swallow you up?'

" 'What for?'

" 'For telling such a deliberate falsehood.'

" 'Aye, that's joust like my brother. My dear, it's a' ye ken. What ill did the lee do? and the gudeman's anger wad have been awfu'?"

" 'And have you no fear of God's anger?'

" 'Miss Evanshaw, I might say, at least I might think, that you are not very ceevil; but I am very weel pleased to hear you, that's to instruct my ain bairns, severe even on mysel'; but quietly, that's a mistake that I have heard a' your gentry fa' into. Ye think it's ye'er ain purity, and ye'er ain warks, that's to justify ye in the sight of a heart-searching God; but that's na the thing at a'. At the same time, things is weel ordered, for as ye hanna our kind o' wark, ye have the mair time for what ye lay sae muckle stress on, and I'm sure I hope ye'll find yoursels right at last; but waes me! it's not for man to work out his ain salvation. No, no; and ye mauna teach the bairns that doctrine. No, no, Miss Evanshaw, (clasping her hands, and casting up her eyes,) faith is all in all. Yes, yes, it makes the Ethiopian white, and the leper clean. I many time wonder, Miss Evanshaw, whare we could flee from the multitude of our sins, if it was na for this rock of defence. But they tell me that there's a sort o' leeing gangs on among you gentry too, for a' the hulloos ye mak at ours; and that ye say ye're out whun ye're in, and sorry whun ye're glad, and what not—Now, I must be free to say, that's far more inexcuseable in you, that has in a manner nothing to do but to be gude, and that has time to be either out or in, just as ye like. We have mony a lee to tell to keep down mischief, and as mony mair before a lang rent's paid. For ye mauna think, Miss Evanshaw, that ilka farmer has the ba' at his fit like John M'Tack. Our tae laird has been abroad woo' gathering for ten year, and the tother's uncle, a pair dyted cratur,

granted something they ca' a grassum to the gudeman; and his nephew, that was amaist as auld as himsel', was neither to had nor to bind when he cam to the estate, and feund how the gudeman was situate.'

"Miss Evanshaw's principles of rectitude were again up in arms: 'It cannot be justifiable, far less a virtue, and still less a duty, to stay amongst people who seem to think vice a duty, and what is worse, who carry about a perpetual dispensation for all they can do.' But the girls (she thought) may be saved from all this, and the youngest one at least, if I mistake her not, may be made an ornament to society. What have I to do with the faults of the father and mother? am I a Don Quixote, or a modern reformer, who believes he must step between God and the dying sinner? Let me be-ware of cant; it creeps in on all.

"Mrs. M'Tack had been silently and with a keen penetration watching Miss Evanshaw's face, while these self-remonstrances ran quickly through her mind; and reading in her expressive countenance changes of purpose, she began to lament internally that she had carried her confidence so far, and to remember her husband's few but emphatic words, 'Women's tongues.' I have ruined a', thought she.

"But Miss Evanshaw opened her mouth and said, 'I have no wish, Mrs. M'Tack, either to be uncivil or to dictate to any one; but I can see no excuse for falsehood, under any circumstances. Had not your children better have naked bodies than naked minds? and no clothing is so beautiful as truth. Besides, I cannot help thinking that the evil would cure itself. If your husband, who is a proud man, and really seems to have sense, saw his family in rags, he would be ashamed, and offer voluntarily what is needful.'

"My dear Miss Evanshaw, you kna not: he might gie a coat and a pair o' breeks to Pate, and upper duds to the wenches; but where wud the conformity be? Na, ye dinna ken the maist extraordinary part od. The only thing that I can in a seen way get money for is eggs, and there is not a cock or hen, a duke or a drake, about the place, that's no an eesair to him. Stop till the spring operations begin—stop till the month o' harvest—and ye wad think ilka hen has fifty heads, and every fit a hunder claws made o' iron. No, no, Miss Evanshaw, there's no cure but *cunning*—Am sure ye ken better than I can tell ye, that a' the weaker brutes and beasts have to use cunning instead o' strength; and am sure we may wael be ca'd the weaker veshel. They tell me (in a whisper) that there's no a shopkeeper's wife but what steals out o' the till for meat, joust as I hae to do out o' the barn, the granary, aye, and whiles the beef boat, for claes.'

"I confess (said Elizabeth) this is not entirely new to me. My grandmother was acquainted with all ranks of life, and she con-

jured my father to put all his tenants on such a footing as should prevent any temptation to cunning in them, and to put them upon a more liberal, just and manly mode of treating their wives. But we are forgetting the principal object: I am really anxious to settle a plan; I have now been here ten days, and have done nothing.'

" 'Weel, I mun tell ye, I have conquered the fire:' [that is, prevailed on her husband to have one lighted in a separate room for the governess and her pupils,] 'ye'ere to get that; and I hinted that the Crawfords and Wurclaws knew nothing about real gentility, and that, from what you said, I doubted my brother wad pit a' that kind of stuff in the fire; and that musick and penting, and French, was the fashion. I have some other plans in my head, if I can but get him to gang ovr we us the morn to Crawford's. I'm no easily flung, I assure ye, or else I coudna accomplish many things I have dunc.' "

We shall make another extract, in which is related the stratagem by which Mrs. M'Tack prevails upon her husband to purchase, or rather suffer to be purchased, a piano-forte for the girls:

"After sitting half an hour, Mrs. M'Tack said, 'Its weel minded, gudeman, the Crawfords want us a yont to our tea the morn's night: I hope ye'll come in that way.'

" 'Deed, I'll do na sic thing: d'ye think I have naething to do but jingle tea dishes?'

" 'But I have a particular reason, and ye really maun oblige me.'

" 'What's ye'ere reason?'

" 'Ye'll see whun ye come; I'll not tell ye till then.'

"He made no reply; but curiosity had a place in his breast in common with the rest of his kind, and he resolved to go, more especially as he was too proud to ask what this thing might be. After another pause,

" 'I forgot amaist to tell ye, gudewife, that there's a letter in the post for you; the post-maister's callant cam seeking me. I fancy its frae the Waist Indies; but them that send post letters should pay them.'

" 'Dear me, gudeman, I'm sure I wadna served you that gait.'

" 'Like eneuch—fules and there money's soon parted.'

" 'D'ye ken the cost?'

" 'Half a crown.'

"Mrs. M'Tack seemed unusually chagrined; but there was no remedy, and she swallowed down her vexation in silence.

"When they retired aftersupper, which by an express desire of Mr. M'Tack was always better than usual on market days, his wife followed Elizabeth, and setting herself down in her room, said

“ ‘ I canna tell ye how vexed I am. Ye see how true what I tald ye is. Wha kens what’s in that letter? No doubt he’s on his way hame, and here we are joust as he left us. What am I to doo?’ ”

“ ‘ Send for the letter early to-morrow.’ ”

“ ‘ My dear, yen wad think that y’eve sailed a’ ye’re day in the Frith in sunny wather.’ ”

“ Mrs. M’Tack paused and looked embarrassed — ‘ To tell ye the plain truth, I hen na sixpence, far less half-a-crown — Wad ony body say that my gudeman leys by three hunder every year,—at least so the banker’s wife tald me,—and whiles mair, and that at same kind of interest, she spak o’ — Am sure money’s a curse.’ ”

“ Here she actually wept. ”

“ Miss Evanshaw was amazed at such distress in a person who ought to be at least easy in pecuniary matters, and immediately put her purse in her hand, saying, take whatever you want. ”

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“ In the evening the whole family went to Mr. Crawford’s, and Mr. M’Tack did not fail to ‘ cast himself in,’ nor, after decrying the Chinese shrub, to drink five or six cups of the spirit-reviving infusion, with a proportionable quantity of girdle scones and sweet cake, made by the young ladies. The Crawfords, though not so rich, by more than one-half, as the M’Tacks, had made much greater progress in the arts of refinement. Mrs. Crawford had a brother in town, a W.S., and his daughters, besides occasional visits, had each been now and then boarded for a few months; and according to the practice of many farmers even yet, the board was paid in kind, any thing in their mind being preferable to parting with actual cash. By this mode, in which there is no explicit bargain, the giver never exactly knows what he parts with; for according to his system, he would on no account tell his wife what he sent, and she durst not tell the amount of her remittances; but one thing is certain, that the receiver is never satisfied. ”

“ Notwithstanding their town education, they were what Dr. Johnson would have called ‘ unidea’d girls.’ They had done a little of every thing except one, viz. ‘ thought;’ that art being entirely beyond the pale of their instructions. It may easily be supposed that not a little curiosity was excited by the arrival of a person like Miss Evanshaw, at a place like Careacres; and happy was she who could get the first glimpse of her. Conscious of their intense curiosity, and aware that Mrs. M’Tack’s grand ‘ washing’ had occupied the family during the last week, they had delayed calling, lest their motive should be suspected, or their visit prove inconvenient; but gladly had they closed with Mrs. M’Tack’s offer of a visit, which was modestly clothed in the shape of a message by Kate, that she was wearying to see them. ”

“ As soon as tea was over, which in a farm house and many others

was about two hours sooner than people could now arrive without the risk of being laughed at, Mrs. M'Tack, impatient for the execution of her plan, begged

" ' Miss Crawford would play them that beautifu' march which she learnt last time she was in the toon.'

" The young lady, glad to get quit of the embarrassment which Miss Evanshaw's presence had imposed, and not dreaming that many people played better than herself, sat down to the harp-sichord. She did her best, and was seconded by one and then another sister ; during which time the two fathers were discussing the state of markets as well as the merits of a mutual foil-dyke, which had caused some little heartburnings betwixt them.

" Miss Evanshaw had politely attended to the music, and suggested such airs as she thought they were likely to play. At last, when the collection was nearly exhausted, Mrs. M'Tack said, as carelessly as she could,

" ' Miss Evanshaw, my dear, gie's a highland jig. I'm unco fond o' the things that auld Donald plays, and so is the gudeman.'

" Miss Evanshaw, as we have already observed, had by this time acquired a small knowledge of the characters around her, and suspected that Mrs. M'Tack had a wish to lead her husband of his own accord into the permission that music should be taught in his house. She wisely guessed that the best music ever imported from the Continent would be worse than lost on Mr. M'Tack, at least in the outset, and she therefore commenced with the reel of Tullochgorum.

" Mr. M'Tack, who had a real, innate taste for music, became deaf even to Mr. Crawford's expectation that barley would rise, and that wintares might be bought in very cheap ; and when Miss Evanshaw had played it for the second time, he uttered the interjection, Hech ! with something like a half sigh. She next played Killiecrankie, to which he listened without drawing a breath, and when at its close she paused, he exclaimed, ' Amazen ! ' She next commenced a genuine Pibroch, and his attention became still more entranced : when she rose from the graver motion into the fire and fury of battle, he started from his seat, apparently unconscious of what he did ; when she slid from that into the swell of joy and triumph, he placed himself opposite to her, and fixed his eyes upon her with an ardour of attention, which, it is probable, he had never bestowed on any thing before ; but when from that she sunk into the wailings of a funeral, he burst into tears and left the room. He soon returned, however, and said that he ' had gotten a sair cauld, which had affected his eye-sight.'

" Miss Evanshaw, being herself passionately fond of music, was always too much absorbed in the performance of it to observe its

effect on others, and without being aware of that, produced on Mr. M'Tack, she next played a few favourite Lowland airs, when, if his pleasure was less extravagant, it was still sensibly felt, and that in such a way, as to settle his mind into a more calm and fixed judgment of the musician. When she seemed to make a full pause, he said,

" ' Miss Evanshaw, the three first tunes ye played pat me in mind of a dram of real Fairintosh; the last half dozen's like a bowl of gude punch.'

" ' Well, (said she,) will you allow me to give you a glass of claret?'

" ' I never drank ony, but ye may let's try'd.'

" She then played a short piece by Handel.

" ' And ye ca' that claret: I must say, its no for my drinking.'

" ' I have already monopolized the instrument too long, but I must put the taste of this out of your mouth.'

" She then played a slow Highland air, and relinquished her seat.

" ' I didna think (said he) there had been as much in that machine.'"

After much patient labour the young ladies of Careacres are imbued with something of refinement; the rich uncle returns from the West Indies; and Elizabeth finds in him a second father. But now Mrs. Evanshaw comes again upon the stage, and by the most diabolical contrivances meditates her daughter's ruin. In this she is disappointed; but the poor girl now grows weary of persecution, and receiving an offer to accompany a family abroad, escapes from her friends at Edinburgh, and sets sail for Madeira. Here the curtain drops, with a hint that the ship in which the heroine left England foundered at sea. Nothing was ever heard of the passengers.

Should the work not be continued, the author will have left his task quite unfinished. The lesson as well as the story is incomplete. Elizabeth should not be left to drop in this manner out of the reader's hands, in a melancholy termination, but should be re-produced, and rendered happy, to show that virtue, of whatever creed, may be acceptable to God; and that it is *action*, not *opinion*, which constitutes good or bad. We, therefore, strongly recommend the author to continue his story, in the firm belief that the public cannot possibly neglect a work displaying so much genius, principles so excellent, and so admirable a delineation of the beauty of Truth.

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TO ———.

WHEN shadows fast o'er earth are stealing,  
 And babe by mother's side is kneeling,  
 To its unknown God appealing ;  
 When the cold moon, from yon blue height,  
 Awakes her glance of purest light ;  
 Yet not so pure, and not so bright,  
 As is that glance of thine, love :

Or sheltered from the noon tide glow,  
 Where groves their cooling shades bestow,  
 And streams in bubbling freshness flow ;  
 Where beauty meets the languid eye,  
 And zephyrs softly breathe and die ;  
 And all is sweet serenity :  
 Oh ! then I think on thee, love.

When dark clouds roll their onward flight,  
 And veil the Ethiop face of night ;  
 Or flash their intermittent light ;  
 When the wild spirit of the breeze  
 Is struggling 'mid the leafless trees,  
 And naught its fury can appease :  
 Oh ! then I think on thee, love.

When Fancy waves her magic wing,  
 And forms to bright existence spring  
 By spell of her imagining ;  
 When Passion's dreamy shades appear,  
 And angels bright are wand'ring near :  
 In truth, the sweetest angel there  
 Is clad in shape like thine, love.

When summon'd from its lone recess,  
 With looks of eloquent distress,  
 And robed in mournful loveliness,  
 The spirit of sweet harmony  
 Melts the wrapt soul in ecstasy ;  
 'Then, oh ! then, I think on thee,  
 For music's voice is thine, love.

And when I see joy's playful light  
 So wildly pure, and purely bright,  
 Or dimm'd but by profuse delight ;  
 As when morn sheds its orient beam,  
 Soft dews will veil the rosy gleam :  
 Oh ! then I smile, and fondly seem  
 To feel that bliss is thine, love.

But when I watch the rayless eye,  
 And dreadful throe of agony,  
 That sets the struggling spirit free ;  
 And mark the silence, still and deep,  
 That reigns o'er that long dreamless sleep ;  
 Oh ! then I think on thee, and weep,  
 For thou too once must die, love.

F. W. M.

## UNPUBLISHED MANUSCRIPTS OF A TRAVELLER IN THE EAST.

## No. XVI.

*Alexandria—Pompey's Pillar—Cleopatra's Needles—Course—  
Catacombs—Baths—Fortifications, &c.*

My first view of the Egyptian coast was near the tomb of Osiris, and not far from the temple of Jupiter Ammon, being considerably to the westward of our destined port. As we sailed along the shore by a beautiful moonlight, the time, the scene, the situation, everything recalled forcibly to mind that charming allusion of the poet, when speaking of

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“the fount that played  
In times of old through Ammon's shade,  
Though icy cold by day it ran,  
Yet still, like souls of mirth, began  
To burn when night drew near.”

When the majestic column of Alexandria rose from the horizon, and was for sometime the only object to be distinctly perceived, the silent pride with which it seemed to rear its lofty shaft above the solitude that surrounded it was at once an object of admiration and regret, yet opposite as those sensations were, every reflection to which it gave birth, served but to increase them both. We passed close to the Turkish fortress which occupies the site of the ancient Pharos; and it is remarked, that the ruined pillars of that celebrated building are now so broken over by the sea that ships cannot approach the castle point without danger of striking on them. Indeed, the whole of the new harbour in which we anchored is so filled with fragments of ruined edifices on which the water has gained, and with the ballast that has been thrown overboard from vessels, that there is neither depth, holding ground, nor shelter for ships of any burthen, and even the smallest are in danger when there is any wind, surrounded with breakers, which everywhere show themselves upon the slightest agitation of the sea.

The old port, to the westward, is more secure, but it is difficult of access, as well as to get out of in some winds, so that ships making a short stay anchor in the new one, while all vessels of trade enter the old harbour, where there are some regulations in force for the general benefit, and where also the chief magazines and naval stores are situated. From the statements of former travellers, it appears that Turkish vessels only were admitted into the western harbour, an exception that no longer exists, as there were at this moment of our entering twenty or thirty Christian flags flying there.

Although Oriental manners might be said to be, in some degree,

already familiar to me, from my former acquaintance with Turkey and Asia Minor generally, yet on landing for the first time in Egypt, I felt all that tumult of distracted attention, all that force of novelty and incapacity of reflection which Volney so happily describes. It is true that mosques and minarets, barbarous sounds and whimsical dresses, strange figures, tanned visages, beards and mustachios, turbanned heads and flowing garments, long pipes and beaded chaplets, camels, asses, filthy dogs, and wandering phantoms, did not surprise me in Egyptian streets, any more than the unfeeling indifference with which the people cast their stupid, yet indifferent, gaze upon the ruined fragments on which their ancestors had long since trampled. For all this I was prepared ; but I confess that I experienced more than I can well describe from a combination of the feelings that overpowered me when my foot first trod upon the land, every period of whose history is a tale of wonders in itself, from the earliest dawn of authentic records to the present hour, more especially that of this renowned portion of the soil, including the city which Alexander founded, and in which the scientific Ptolemies reigned ; the spot where Cæsar and Antony were equally subdued ; where Nelson conquered, and where Abercrombie died.

Let us recur to the moment when the greatest hero of antiquity, on his return from consulting the oracle of Jupiter Ammon, was so confirmed in his choice of the situation of Rhacotis as to found there a city which should bear his name, and in whose archives posterity should find the trophies of his universal conquests. Let us trace the triumphant progress of art, and see how amply the golden treasures of enterprising commerce enriched this capital of a poor and barren soil, which had stolen the sceptre from Memphis, and reigned proudly within itself an independent and distinct government, until the parched and burning sands on which it stood teemed with life and fertility ; until the gloom of mystic darkness was illumined by the meridian blaze of art and science that beamed from the thrones of the Ptolemies ; until the apathy of unpolished barbarism was extinguished by the refined excesses of Antony and Cleopatra ; until, in fact, this stupendous metropolis of the commercial world, which is said to have contained forty thousand palaces, as many baths, four hundred squares, and nearly a million of inhabitants at the time of its destruction, fell a victim to the indiscriminating vengeance of Saracenic fury. Let us then turn from the picture which the pencil of history has portrayed in such glowing colours, and view the desolated heaps that remain to confirm the story of its former greatness, and we must be more or less than men if we can look thereon unmoved.

Nearly the whole of the space on which the ancient city stands is covered with ruins, and there is such a mixture of characteristic fragments in the massy Egyptian, the tasteful Grecian, and the ruder Saracen remains, that one sees among them the silent

remnants of every age, while the ignorant and heedless Turk, incapable of improving from the models that are before him, despoils their walls and overturns their columns to furnish himself with materials for building, if one can so call it, the miserable hovels in which he is content to smoke away his existence.

Strabo, the geographical oracle of antiquity, has described the situation of the principal places here, of which the learned Pococke has given a map, but the sea having encroached upon many parts, covering whole buildings with water, and ebbcd in others, leaving the sands dry, it is difficult to settle their precise situation. That of the Pharos or Tower was, however, indisputably on the point of the harbour where the castle now stands, the remains of that edifice being still visible under water in a calm day. The palace of Cleopatra, and the famous library, were in the neighbourhood of the obelisks, now known by the name of the needles; and her baths are still to be seen in the western harbour. The burial place of the kings too is pointed out, where Strabo says the body of Alexander was deposited in a coffin of gold, from whence it was removed into one of glass, in which Augustus is said to have viewed the hero's lifeless corpse, to have strewed it with flowers, and adorned it with a crown of gold. The Corinthian column, called Pompey's Pillar, still remains also to complete the wonders of this celebrated spot.

Of the two obelisks called Cleopatra's Needles, one of them is standing, and another is thrown down, but still perfect and unbroken. Both the period and the cause of its fall are unknown. These obelisks are about seventy feet in height, by seven feet square at the bases, being four-sided, and formed of rose-coloured granite in one piece; standing on a circular pedestal of the same kind of stone, as the grooves may yet be seen in the bottom of the fallen one. As there are no granite rocks but on the very confines of Upper Egypt, where the Nile enters from Nubia, and forms cataracts over its solid beds, those monuments must have been brought from thence, and it is not difficult, from a close inspection, to perceive that they were then but fragments, even at that remote period, of some early magnificent temple. Denon, in his fine views of antiquity in Upper Egypt, gives a view of the entrance to the temple of Luxor at Thebes, on each side of which are two obelisks, exactly resembling these of Cleopatra in figure and size, and, generally, also in the hieroglyphic inscriptions; and as those at Alexandria occupy the immediate scite of the Ptolemian palace, the idea of placing them on each side of its gate might have been borrowed from the use made of them at Luxor, or probably they originally answered that purpose at the spot from whence they were brought.

The figures on the northern and western sides of the standing obelisk are deep and perfect, although these are the sides most exposed to rain, which makes no impression on so hard a substance;

while those on the southern and eastern quarters are almost effaced, from the friction of the sandy winds which blow from those directions. The hieroglyphic characters have been so frequently copied that it would be needless to describe them, though it is impossible not to regret the darkness in which that language is enveloped, as its elucidation would throw such light on the history and manners of the ages that produced them.

It is remarkable enough that although the first impression which strikes one on beholding these colossal monuments of art is that of wonder at the means which were employed for their conveyance and erection, no writer that I have met with has ventured to offer any explanation on that subject. Pococke merely mentions the existence of these gigantic pillars of a single stone each; Volney passes them over in silence; and Denon, at the same time that he conjectures they were brought from Memphis, tells us they might be conveyed to France without difficulty, where they would become characteristic trophies of the national conquests. The English army also, under Lord Craver and Sir Sidney Smith, entertained similar ideas; and even cleared away the rubbish from the fallen obelisk, with a view to transport it on board ship, but abandoned the plan from its impracticability: the commander-in-chief kindly sparing them, however, the mortification of such an avowal, by issuing an order that it should not be taken out of the country. Such is the account of the affair currently received as correct on the spot.

In what light then must we view the people who hewed them from their solid quarries, ornamented them with the symbols of their mysteries, transported them by land and water, and reared them before the entrances of their magnificent edifices? Every question we ask concerning them, brings, in its unanswered silence, increased regret at the impenetrable darkness in which the history of their means and powers, in the mechanical arts at least, is enveloped.

Of the column ascribed to Pompey, although much has been said by the authors of several extremely different theories, there are not wanting advocates for each. The column, considered as it now stands, has by no means however a claim to high antiquity. If it had existed in Strabo's time, it is impossible that he should have omitted the mention of so remarkable a monument in his minute topography of the ancient city, which is the fact: and indeed an inspection of the pillar itself, its situation and manner of erection, must convince an unbiassed observer that it is the work of later ages, than that to which it has been generally ascribed.

At the period generally characterised as that in which the revival of letters succeeded the darker ages, and when men of learning first left their native countries to explore the ruins of antiquity, names were hastily bestowed on new objects, in which perhaps personal vanity might have had some share, as these names uncon-

siderately given, were handed down to posterity, coupled with that of the traveller who first bestowed them. It was thus that the early visitors of this country, having read of a monument being raised to Pompey at Alexandria, identified it in this column, and it enjoyed the distinction undisputed for some time, until Mr. Wortley Montague pretended to have discovered a medal near its base, which gave the honour of it to Vespasian. Again, Brotier, from a misquoted passage of Father Sicard, ascribes it to Ptolemy Evergetes, while Michaelis falls into a similar error in mistranslating *Amud Issawari*—the Arabic appellation given it by Abulfeda—the Pillar of Severus. Dr. White, in his '*Egyptiaca*,' has formed another ingenious theory respecting it; and a more recent opinion, founded on a restored inscription, yields it at length to Diocletian.

The claim of Pompey is invalidated from the want of collateral testimony or corroborating circumstances to support it. The pretension of Wortley Montague is said here to have been a forgery. The basis of Brotier's argument is erroneous, and the inference of Michaelis is not more correct. The pretensions of Dr. White, from their extreme ingenuity, are much more plausible; but will be found, on close examination, to be equally fallacious; while the claim of those who ascribe to the pillar the age of Diocletian may be admitted, without hesitation, as quite conclusive.

The learned Doctor assumes, as a first position, the distinctions made by the Arabian geographer, Abulfeda, in his titles of the obelisk and column, which appear to him as mere local epithets, viz. "*Amud il Bahri*," and "*Amud Issawari*," or the column of the sea, and the column of the pillars. The tautology of the latter phrase, of which the Doctor himself complains, is not so apparent, when we read the distinction which follows it. In this he tells us that our language affords no correspondent term, no word equally extensive with "*Amud*," which includes both the round and square pillar, and applies equally to an Egyptian obelisk or a Grecian column. But *Amud*, taking it in its simple signification, since that signification did not necessarily imply shape, would fairly admit the distinction it assumes. Let us observe then on how feeble a foundation his ingenious superstructure rests. Admit the slightest error of orthography, translation, or grammatical construction to change the number of *Issawari*, and make it singular instead of plural, which its similarity of termination to *el Bahri* would seem to warrant, and this imposing theory falls to the ground, leaving nothing but the solitary *column of the pillar*, as we actually find it, surrounded by silent desolation. The reasons which Dr. White urges in proof of the descriptive propriety of this appellation are equally objectionable. In the first place, he says that Bishop Pococke saw near it some fragments of *pillars four feet in diameter*, and that the Arabian writers of the middle ages men-

tion upwards of four hundred of them as standing in the time of Richard Cœur de Lion.

Of the worthy Bishop's veracity none will entertain a doubt ; but one might ask, in what part of Alexandria are there *not* fragments of *pillars* of a still greater diameter ? The ruins of the ancient city, even at this recent period, abound with them, and they enter into every building of the modern one : but if the accounts of the the Arabian historians were true, that so great a number were standing in the time of the crusades, one would like to be informed by what means they have all disappeared, since they must have been few in Pococke's time, if one might infer from his silence as to their number ; and at this moment, not half a dozen fragments are to be counted within a hundred yards around it. We know the characters of the Turks too well to suppose they would exert themselves to take away from this distant spot materials which are everywhere strewed so much nearer to them ; and if it be assumed that some sudden convulsion of Nature, or the slow progress of destroying Time, have buried them in ruins, the question immediately arises, by what supernatural means has this simple column been preserved erect, with its very pedestal elevated, at this hour, several feet above the natural level of the plain, standing, indeed, on a heap of rubbish loosely thrown up into an artificial mound ?

The testimonies of Tacitus and others respecting the magnificent temple of Serapis erected by the Ptolemies, is admitted without difficulty, nor can we wonder at the plunder and destruction of precious idols and shrines of gold ; for which the learned Professor yields his tribute of admiration and gratitude, when he ascribes this triumph over its fallen glories to the pure light of the Gospel that was now dispensing the gloom of Paganism, and to the mild spirit of Christianity that zealously trampled on this temple of Alexandria's tutelary deity, broke his statues in pieces, demolished the golden walls that enshrined him, and dedicated a church to peace and mercy upon its smoking ruins.

But returning from this digression : the question still proposes itself, Where are the stately columns of the Pagan Serapeum, and the humbler altars of the Christian church ? Not a vestige of either remains, and can we then imagine the proud pillar to have stood firm upon its base, witnessing unmoved the destruction of all that surrounded it ? The very supposition is full of difficulties, if not impossible ; besides which, an inspection of the monument itself, and of the position it occupies, impress deeply the conviction that this theory is wholly insupportable.

Denon says, but I know not on what authority, that the fragments of pillars which have been seen near it, were of the same substance and diameter, forming perhaps the remains of a portico of some stupendous edifice ; even the Serapeum itself, as it is not

the antiquity of the *shaft* which is disputed, so much as the *date* of its erection in its present place: because, if any one colossal column was, according to Dr. White's theory, designed to have stood proudly pre-eminent over a number of inferior ones forming the area of a temple, that column would be uniform in its materials, perfect in its proportions, complete in its execution, and firm in its foundation, neither of which is the case with this. On the contrary, while the shaft is both so just in its proportions and finished in its execution as to cause all who see it to pronounce it the work of the best ages, the base and pedestal are both clumsy and disproportionately small; the capital is miserably wrought; and both of these are of a different granite to that used in the shaft itself. The earth on which it stands is a heap of ruins, considerably elevated above the natural level of the plain which surrounds it, formed of loose earth, sand, and broken pottery; the foundation on which it stands is a block of Egyptian granite with *inverted* hieroglyphics on it, and the paltry masonry by which the pedestal is supported is of the meanest kind that can be imagined.

With respect to the inscription on the pedestal, it was seen by Pococke, but then so imperfectly deciphered as to afford no clue to its signification. Later attempts, however, have been more successful; and Mr. Hamilton, among others who visited it in 1802, obtained, with unwearied perseverance and assiduity, the following lines:

TO . . . . . ΝΤΑΤΟΝ ΑΥΤΟΚΡΑΤΟΡΑ  
ΤΟΝ ΠΟΛΙΟΥΧΟΝ ΑΛΕΞΑΝΔΡΕΙΑΣ  
ΔΙΟΚΛΗΤΙΑΝΟΝ ΤΟΝΑ . . . . . ΤΟΝ  
ΠΟ . . . . . ΕΠΑΡΧΟΣ ΑΙΓΥΠΤΟΥ

which, after supplying the obliterated characters, has been thus translated by Mr. Hayter, a learned divine:

Pontius, Prefect of Egypt,  
Dedicates this monument  
To Diocletian, the august Emperor,  
And Tutelar Divinity of Alexandria.

An emperor who, says Mr. Hamilton, had, in more than one instance, merited the grateful remembrance of the Alexandrians, particularly in granting them a public allowance of corn, to the extent of two millions of medimni; and when he had taken the city by siege, after it had revolted against the emperor, he checked the fury of his soldiers in the promiscuous massacre of the citizens. He adds, the bad taste of the capital attests the degradation of the arts at the time of its erection.

From all the circumstances, I am induced to believe, that the shaft itself might have been one of the pillars of a portico belonging to some ancient edifice, which now lies buried underneath in ruins,



and that being more perfect than the others among which it lay, it was erected and dedicated to Diocletian, by the Alexandrians of his day, upon the pedestal on which it now stands, and surmounted by the Corinthian capital, both executed by less skilful hands, and formed of such granite as they could then procure. Whether a statue was ever placed on its summit is a question not easily decided. The mere groove seen, on the top of the capital, is not a sufficient foundation for such a conclusion; but, even if it were, a statue of Diocletian would be as worthy of the Alexandrians, as a statue of any other chief or hero.

Not far from this celebrated pillar, but considerably below the elevation of its base, and occupying the natural level of the plain, is a very spacious Course, the semi-circular end appropriated to the spectators, being hewn out of a rock of white friable stone, with a pavement of about six or eight feet wide, intersected in the form of a cross, and having deep marks of wheels in every direction. In the middle of the semicircle, and on each side the pavement, is a level space of firm earth, and the whole is surrounded by raised ground. Excavations had been made underneath this, by Lord Craven, and subterraneous chambers discovered, but the work was abandoned on account of its expense. The operation of the salt air has given this stone a fretted appearance, which, at first sight, makes it appear like masonry; but, on examination, it is found to be a solid rock, and evidently of the same stone with which the old city walls and towers were built. A view of this spot suggests a number of interesting queries as to the situation of the rock itself among surrounding sands, the vast labour requisite to hew it down into its present form, and the purpose for which it was designed. Several circumstances combine to induce the supposition of its being a spot used for the display of athletic exhibitions, as well as the foot and chariot races of the Grecian games.

Both the baths and the catacombs I had an opportunity of inspecting. They are situated on the sea-shore of the western harbour, and about two miles from the town; the whole space between them and the present city being covered with fragments of buildings and broken pottery.

Whether the former of these were the baths of the voluptuous Cleopatra or not, as tradition has characterised them, it is impossible at the present period to ascertain. They are worthy, however, of her regal dignity, as nothing can be imagined more conveniently situated to receive the waters of the sea, in silent seclusion, or more romantically suited to form a bathing retreat for blushing and retiring beauty.

As to the catacombs, I cannot but dissent from the very generally received opinion of their having been ancient sepulchres. That the practice of entombing in such splendid caves was general in

**Egypt**, no one doubts; but the chambers themselves have neither receptacles for bodies, nor any thing indicative of their being applied to such a purpose. Every thing relative to the architecture is perfectly Grecian; and the central hall or temple, from which all the other wings diverge, is worthy the best age. They appear to have been abandoned before they were completely finished; but although the entrance to many of the apartments is still blocked up by rubbish, enough may be seen to justify the inference of these catacombs having been a subterranean temple devoted to some worship, characterised by mysterious rites.

At present, the place is the abode of jackalls, foxes, and other animals, and every part of its recesses are strewn with the bones of their prey; indeed, desolation can hardly be conceived more complete than here, where we see a work which must have required years of labour to hew it out of the solid rock, for some grand purpose, become the habitation of the birds and beasts of the desert, and almost untrodden by a human foot.

With respect to the modern state of Alexandria, it presents us with few interesting features, the city having, since the expedition of Buonaparte to this country, diminished in population, opulence, and trade. The town occupies a space of rather more than a mile in length and half a mile in breadth, allowing for irregularities of shape. It contains from six to eight thousand inhabited houses; from four to five hundred deserted ones, and about twenty thousand inhabitants, of whom the people here estimate one half to be Arabs, one fourth Egyptians and Copts, and the remainder Turks and European Christians. Both the Arabs and Egyptian Turks are followers of Mohammed; but the former have greater pretensions to piety, from abstinence and prayer; while the latter are more negligent and sensual. The houses are coarsely built, and the streets unpaved, but wider than in most other towns of the East. The mode of living combines every thing that meanness and wretchedness can imply.

Soon after the present Pasha or Vice-Roy of Egypt, was seated in his power, he began to apprehend the probability of an attack on Alexandria, to oppose which he commenced a wall and ditch round the town, for which purpose he employed from 1500 to 2000 men, who were nearly ten years in completing it, at a cost of about half a million of piastres. The old Saracen wall was their guide, every trace of the ancient Grecian boundaries having been long since obliterated. He, therefore, had this new wall thrown about twenty feet beyond the old, which, with the circular towers that stood at intervals along its range, furnished the workmen with building materials at hand. Notwithstanding that these advantages offered every facility to the undertaking, it is, at best, a weak defence, and would fall almost as speedily, and with as little noise, at least, as the walls of Jericho. In our walks round it, we had occasion to

observe, at every step, the contrast it forms with the few Saracenic remains of circular towers which they have not entirely demolished: the one has all the requisites of symmetry and solidity, the other has neither just proportions, strength, nor beauty. At intervals of from four to five hundred yards are platforms for artillery, built in the most fantastic form, and void of all uniformity. Besides being wretchedly constructed, their port holes are so narrow that a nine-pounder could not traverse to be fired through them but in a point blank range, so that, if the cannon cannot be pointed with its muzzle towards the assailants, the assailants are expected to be polite enough to advance towards the muzzle, where they would be in no danger of a second shot, for the few pieces of cannon they have mounted are first placed on a ship-carriage, and after that on the wheels of a field-piece, from which they would certainly be thrown the first time they were fired full charged. To add to this, no two carriages are alike in height or shape, or apparently in materials or age. Between these platforms, the wall that connects them is terraced over for about six feet thick, leaving a sheltering wall of two feet, through which are loop holes for musketry of different heights and for soldiers of different stature. The draw-bridge gates are in a better style, for the construction of which the French had left them a model in one built by them during the last campaign; but a train of six smart field-pieces would effect a breach in a few minutes, and its paltry masonry would be no defence against an European army. The castle that commands the harbour is equally contemptible as a protection from assault.

The supply of water is, of course, from the Nile, by the canal which brings it into the town; and so attentive were their predecessors to the preservation of this article, that there are within the walls a sufficient number of wells to contain water for three years, if all filled at the time of the inundation, a circumstance of the highest importance to the Alexandrians; for, if deprived of such a supply, the city, situated on a barren sand without the Delta, and destitute of either moisture or verdure, would soon become as desolate as the Great Libyan Desert, on whose confines it stands.

Some writers, and Mr. Browne among others, are of opinion, that the Lake Marcotis, which bounds Alexandria on the south, was the work of the ancient Egyptian kings, intended as a grand reservoir, in case of the supply from the Nile being cut off; and that it was filled by two canals from the Lake Mæris in Upper Egypt, and other collections of water in the Lower, an hypothesis which appears founded in conjecture, and that of the most speculative kind; first, because the country abounds with natural lakes formed by the frequent variation of the Nile in its height and rapidity; and, secondly, because the water could always be procured with greater ease from the river than from any other source; thirdly, that its connection with the sea has occasioned its water to be always too

brackish for use ; and, lastly, because this lake, being without the most ancient boundaries of the city, could no more be a certain resource than the river itself. It is now said to be fast drying up, yielding still, however, a large quantity of salt, which is collected in heaps on its marshy surface, and exported from hence all over the Mediterranean ; so that, if other new inundations do not supply the exhaustion which every year takes place in the long dry seasons here, it will soon be cultivatable land, and no doubt extremely fertile ; but of what benefit to the indolent Egyptians, one cannot say. Their general policy warrants the supposition of its being very inconsiderable indeed.

## STANZAS.

[The first stanza of the following is to be found in the ' Decameron ' of Boccaccio.]

" I, heretofore,  
Was by a fond admirer made to prove  
The soft persuasive force of love ;  
Swift pass'd the hours in transports thus divine,  
While all his wishes, all his thoughts were mine.  
But he's no more !"

'Twas soothly said,  
" Of human ills unjustly we complain  
While we have Love !" who, (joy or pain,)  
Offspring and foretaste of the Heaven we seek,  
Still leaves a bloom on the forlornest cheek  
Time cannot fade.

Oh ! who can tell  
The bleakness of that hour when he expired  
Who was my all ? yet undesired  
By me were happiness, if hid from view  
The mournful treasure of our last adieu—  
His fond farewell !

The flowers remain,  
The fields where we have loved—they breathe of him ;  
All that is good or fair, undim,  
Preserves his memory—henceforth to supply,  
Of each beguiling snare beneath the sky,  
A fond disdain.

Despair, begone !  
My joys are lodged beyond the harm of fate—  
They're past—Oh sad, yet glad estate !  
Who hopes no more on earth, hath heaven in store,  
If Love's funereal torch have gone before  
To light him on.

P. N.

'JOHN BULL IN AMERICA; OR, THE NEW MUNCHAUSEN.'\*

HAVING had opportunities of acquiring some accurate knowledge of the United States of North America, and having met with a book, the true scope of which is likely to be misunderstood by all who are not more interested about that country than we could expect the great body of British readers to be, in the present state of their knowledge on the subject—a book which professes to deal with a few of the tough stories, and *very* tough story-tellers of the day, we feel disposed to put the affair in a better light, and help a deficiency of which we have much reason to complain. The people of the Mother Country are beginning to inquire after and to know the truth; but we are much mistaken if the people of her *un*-emancipated colonies and possessions are not, even yet, grievously ignorant of the true character of the Anglo-Americans. It was but the other day, indeed, that stories were believed of them by the able and intelligent men of Great Britain; which, if they were repeated now, would be received with indignation or ridicule by the very multitude.

This 'JOHN BULL IN AMERICA' purports to be the Journal of a British Traveller in the United States, who is conjectured, on rather satisfactory grounds, (by the author of the work itself,) to be the writer of an article which appeared in the 'Quarterly Review' about two years ago, upon 'Faux's Travels in the United States.' Now, the British travellers in America, with two or three exceptions, are a tribe of people as unlike the British travellers that one hears of, in almost every other part of the world, as the *travellers* for mercantile or manufacturing houses are unlike the travellers for pleasure; as unlike them, too, as the puff paragraph writers of the present day are unlike the high-bred gentlemen or well-educated authors of England. We should observe, however, that when we speak of British travellers in America, we mean such as have published their travels; for they are a class of men, with a very few exceptions, of whom, if we were to speak the truth, and the whole truth, we should expect to be either visited by the Attorney-General, or denounced by all who have a respect for the decencies of language. It is they who are imitated by the writer of this book, which it were hardly necessary to add, after reading the title, is intended for a burlesque on such British travellers in America,—a sort of caricature of their caricatures. It is written, we are told, by a Mr. Paulding, the author of several works, three or four of which have reappeared in this country, at long intervals,

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\* John Miller, 12mo. p. 327.

and been pretty well received by a few of "the intelligent few" in whose way they happened to fall, at a time when it was the fashion for a large party to be dissatisfied with every thing here, and delighted with every thing in the shape of an attack upon their political adversaries. Mr. Paulding began his career with a bad poem or two; after which he produced 'John Bull and Brother Jonathan,'\* a small satirical work in one volume, giving a brief account of the revolutionary war between Great Britain and her North American colonies; a large part of 'Salmagundi,' attributed to Irving; the 'Backwoodsman,' a poem, if we are to believe two or three British and half a score of North American Reviewers; 'Letters from the South,' a clever wandering sort of a book, with some pith and much ill-humour in it; 'Old England, by a New Englandman,' a spiteful affair, partially republished as high authority here, though one could not read a page without perceiving that the author, who is believed to be the same Mr. Paulding, had never been in England, if he had ever been out of America; a new series of 'Salmagundi,' which was quite equal to the first, though it fell dead from the press; 'Longfinne,' a novel, republished in England, a very clever work, though not likely to be understood by mere novel readers; and, finally, this book now under review.

Mr. Paulding is one of the very few literary men of America who appear to be regarded with favour by the federal Government. For a long while he has had a snug office at Washington, and has lately been fixed in a very profitable one at New York. Out of this fact has grown the absurd story, that he has been employed by the American Government to attack the reputation of this country. But there is no truth in the report. He is a bold, keen, and rather insolent writer, greatly overrated by the democratic party, who are hostile to this country, and greatly underrated by the federal party, who are friendly to it. He has been kept alive by a Government under which there is no such thing as a sinecure, a pension, or salary for form sake; merely because they saw that, when his blood was up, and his pay secure, he could do his duty to them, and help forward the literary spirit of his country nevertheless.

The idea of this book was an excellent one—the idea of *showing up* the true John Bulls of America; but we cannot say that Mr. Paulding has done justice to it; for we, who have seen a few of the originals there, do know that any thing like the truth would appear to their countrymen here as a broad caricature. We only wish their behaviour could be known to the great body of the people here; or that the true character of their works could be known to those who are in the habit of trusting to them. It would go far to change the little unkindness which may be lurking yet in a few

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\* Not the Novel of 'Brother Jonathan.'

British hearts ; work a speedy and effectual cure to the mischief that has gone abroad hitherto wherever the English language was either spoken or studied in the shape of travels and reviews ; and do more, we verily believe, to bring the people of the two countries into a state of good fellowship than almost any other circumstance under heaven.

Were we not very sure of the fact, we should not venture to say, that, up to this hour, the people of the United States have seen but very few specimens of the well-educated English gentleman since the termination of the old war. Such a thing would appear incredible, and beyond the reach of explanation, to those who do not know the fact. But why are not the Americans visited by the well-bred English, if it be true, as it undoubtedly is, that a multitude of well-bred Americans are to be met with every day in England ? The reason is this : *the better educated rich people of the United States come to Great Britain for that which the better educated rich people of Great Britain seek on the Continent—to complete their education, to get a polish, to see the world, that world of which they have been reading all their lives.* But who ever thought of going to the United States of America to finish his education, or to get a polish, or to see the world ? for any purpose indeed worthy of a patriot, a statesman, or a philosopher ? The majority of those who go thither from this great country are a sort of mercantile agents ; and a large part of the rest, nineteen-twentieths, no doubt, are troublesome or disaffected people, adventurers, bankrupts, beggars, rogues, or genteel vagabonds, who have outstayed their characters at home. The remaining twentieth are small farmers, labourers, and shiftless manufacturers, with here and there a miserable getter-up of miserable books. But before we give a specimen of our author, whose work is but a caricature edition of the tales which have been fabricated about America, let us not be understood as forgetful of our exceptions, the two or three pretty good books that have appeared about America. We have met with three or four, some of which, in the absence of better books, may well pass for good ones, if not for authority ; and we will take this opportunity of saying so much for the author of a ‘ Summary View of America,’ a sensible kind of man, who tells what he believes to be true ; for Captain Hall, who, we are quite sure, means well enough, though he is rather too lively in some parts of the narrative which he put forth about America ; and for Miss Wright, who means too well ; in other words, that Captain Hall is not of the number who *seek* to be mischievous, and that Miss Wright, who is undoubtedly a very clever woman, with all the higher properties of a heroine for active real and sober life about her, was altogether carried away by her enthusiasm for America and its people.

We shall now give a few extracts from this ‘ John Bull in Ame-

rica ;' but, aware that some of the best hits in it (we pass over the failures) are not to be understood without a thorough knowledge, not of America, but of the works put forth by the British travellers and British Reviews, about that country, its literature, and its people, we shall adopt an expedient, rather unusual in reviews, by adding notes to every passage that requires to be explained, and, after we have done with the extracts, give the explanations with their numerical references.

"As these immaculate Republicans (we quote from the work before us what are to pass for the opinions of a British traveller, such as we have been speaking of) have neither religion nor morals, so are they entirely destitute of gratitude (1). It will hardly be believed, but is nevertheless a fact, that Mr. Jefferson, the author of their famous 'Declaration of Independence,' the oracle of republicans, the former President of the United States, and, after Satan, the prince of democrats, the man whom the people toast at all their public meetings, and pretend to revere next to Washington, is, at this moment, an actor on the Philadelphia boards for bread. I saw him myself, or I would not have believed it, bad as I think these miserable republicans. Yet, with this damning fact staring them full in the face, they are every day boasting of their gratitude to their benefactors, at the gorgeous feasts given to General La Fayette (2). I hope the 'Quarterly' will touch them up on this score, in their next number. Of their other surviving presidents, Mr. Madison, as I am assured, teaches a school in some remote part of Virginia (3); and Mr. Adams lives in great obscurity, somewhere in the neighbourhood of Boston."

We shall now add a few notes:

Note (1). Republics *are* ungrateful, to a proverb; there is no denying that. The Americans are charged with ingratitude, and as the charge happens to be very true, (we say it seriously,) they cannot bear the word. But, while they have been very ungrateful to their public men—giving them no more pay than was required by them for their services, and paying them for not one hour longer than they served the republic—they have been especially so to the men of the Revolution; a multitude of whom have been suffered to linger out the last of their days, the last of their years we should say, in a state of absolute misery. But "the Americans have no religion," said the 'British Critic' some years ago, and that is one of the many bitter things alluded to here. The words were: "One-third of the people (of America) have no church at all. Three and a half millions enjoy no means of religious instruction." \* \* "It is becoming fashionable, however, among the better orders of society in the north to go to church; in the southern parts of the Union, the rites of our holy church are almost never practised:" so says the 'British Review' (Quarterly) for May 1819. The fact is, that in the United States there are more than eight thousand churches and



meeting-houses; twelve theological institutions, and several establishments of a religious nature, having about eight hundred students, professors, &c. Of this we are assured by Mr. Ingersol, in his pamphlet on 'The American Mind,' published by Miller.

Note (2). The remark about La Fayette alludes to a charge of ingratitude preferred against the people of America, in 'Blackwood's Magazine,' while the great and good La Fayette was moving from city to city, with a sort of uninterrupted procession after him. The writer was very severe, but not severe enough; he went far, but he did not go far enough: and why? Because the people of America had suffered two or three of their own general officers to want in their old age; one or two to die in the condition of paupers; and had erected no monument to the memory of De Kalb, a German baron, who fell in their service; or Lord Stirling, (a British nobleman, who risked his head for them;) or General Charles Lee, who, being a British officer, took up arms in their behalf against his own country, while his reputation was equal to that of any soldier in Europe, and died, if not *for* them, at least *of* their treatment; or Pulaski, a Pole of high birth, who, after doing that for them which no other man alive could have done perhaps, fell in a desperate affair, which no other man would have had the courage to attempt in their behalf. Because they had erected no monument to these, or any of these men, because they were absolutely forgotten, it was fair to charge them with ingratitude, and to attribute the uproar which followed the visit of another general, the *Marquis La Fayette*, not so much to gratitude as to something else. But looking to their behaviour on his arrival, what was that something else? We do not fear to say. It was not, we believe, altogether owing to what the writer in 'Blackwood' alleged, though greatly owing to that. He attributed it solely to the rank of La Fayette, for the Americans are fond of title and parade.\* We believe, however, the reception of La Fayette in America to be owing to three things: 1. To his being a nobleman of the highest rank and oldest family. 2. To the uneasiness which the people of America have long felt under the charge of ingratitude, a charge which has been pealed in their ears of late, until they can bear it no longer. And 3. To the jealousy which keeps the cities and large towns of America, the capitals of so many large, separate, rich, powerful, and independent states, in a perpetual fever of competition. Philadelphia would not be outdone by Baltimore, by New York, or

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\* If proof be needed, we have only to refer to the late American papers, all of which, with *one* exception, (all that we have seen, rather,) have called John Adams and Thomas Jefferson the *Honourable* John Adams and the *Honourable* Thomas Jefferson; as if that were a title for two of the chief men of the twenty-four confederated republics; *that* a worthy title for the chief among those who began the career of liberty by making war upon titles. That one exception was the 'Boston Patriot'; in that paper the dead President is spoken of as JOHN ADAMS—nothing more—nothing less. But more of this hereafter.

Boston; Boston would not give up to New York or Philadelphia, Richmond, or Baltimore; and so it was from one extremity of the confederacy to the other—a tug for character, a vehement struggle for the reputation of gratitude, munificence, and liberality, between all the cities, towns and villages of the country. Such was the fact; and for that reason it is that the author of ‘John Bull in America’ has dragged in the revered name of La Fayette.

Note (3). The blunder about Mr. Madison and Mr. Jefferson, there being an actor on the Philadelphia boards of the latter name, is hardly so absurd as many that we could select from the works of Ashe, Fearon, Weld, and Parkinson. “There are no very prominent men *at present* in America,” says the ‘Edinburgh Review,’ No. LXI. “Munro is a man of plain, unaffected, good sense. Jefferson, *we believe*, is still alive.” *ib.* Think of that!—“Jefferson, *we believe*, is still alive”—and this said in such a journal as the ‘Edinburgh Review,’ of such a man as Thomas Jefferson! It would be difficult to caricature such a piece of gossip as this.—But to our extracts from the book before us.

“There is a great show, or rather affectation, of literature here, (says the ‘John Bull in America,’) and the good people crow in their cups a good deal on account of the oldest periodical paper in the States being published here (in Philadelphia). It is called the ‘Portfolio’ (4), and it is really so old that it may be pronounced quite superannuated. But I do not find any other special indications of a flourishing state of literature (5). To be sure, here and there you meet with a young lady that can read large print, and a young gentlemen that can tell B. from a bull’s foot by the aid of a quizzing glass. But there never has been an *original* work produced here of *American manufacture*; and the only translation I ever met with was that of the Almanack into High Dutch (6). They likewise boast of one Franklin, a great hand at flying kites, and one of the first manufacturers of lightning-rods. I had heard him spoken of respectfully at home, so am willing to allow he was clever. But, after all, what have these people to boast of, on this head? Both Washington and Franklin, and indeed all the respectable sort of men who figure in the history of this country, were born under the King’s government (7), and were, therefore, to all intents and purposes, Englishmen. Franklin spent a long time in England, and though there is no account of Washington ever having been there, his being able to read and write, of which there are pretty clear proofs, is a sufficient presumption that he must have been there (8), or where could he have got his learning?”

Now, who would ever suppose, on reading the above, that such absurdity had any sort of resemblance to the absurdity of any British writer? who would ever imagine that, after all, it is no very gross caricature of what has actually been said of America and of the people of America, by British writers of celebrity? And yet,

such is the fact ; of which, after a word or two more in the order of the notes, we shall add a few passages in proof.

Note (4). The 'Portfolio' is a monthly magazine, published at Philadelphia. It was a pretty good work, though nothing remarkable, about a dozen or fifteen years ago. It is now a drivelling affair, characterized by nothing but scurrility and impotency. They are beginning to establish periodical works of merit, however, in several parts of the country ; and if they persevere as they have begun, paying their contributors liberally, they will soon have a score of journals worth reading, instead of ten score, at the least, which are hardly worth burning. We are persuaded that a work of merit, carried on with liberal views, would be sure to succeed in America, and, contrary to all appearance hitherto, get to be better and better property as it got older and older, so that after a while it would be, what so many works are in this country, a sure estate for an able man, so long as it was conducted with ability.

Note (5). This remark is a very fair hit for Mr. Fearon, who has ventured his criticisms about the cheap literature of the new world ; nor would it be much amiss if it were looked upon as a hit for the author of the 'Summary View,' a man of another cast ; a very grave, thoughtful, honest man, but not the less uninformed on such matters.—See Note 15.

Note (6). "High Dutch" almanacks are met with every day in a part of Pennsylvania which was settled by Germans ; and if a British traveller were to say of them just what is supposed to have been said of them by a British traveller, it would not be half so inexcusable as many things to be found in what has been said by five out of six, that have written about the literature of the United States.—See Note 15, also.

Note (7). The words of the British writer on this head are—"Franklin, in *grinding his electrical machine and flying his kite*, did actually elicit some useful discoveries in a branch of science that had not hitherto much engaged the attention of the philosophers of Europe. *But the foundation of Franklin's fame was laid, not in America, but in London.* Besides, half of what he wrote was stolen from others, and the greater part of the other not worth preserving." Have we gone too far ? Have we been quoting, at random, from a work of no reputation, or from memory ? No, we have quoted, word for word, from 'The Quarterly Review.' (No. XX.)—See Note 15.

Note (8). In addition to what appears in the last note, it may be enough to say, that one of the quarterly journals of Great Britain did seriously aver, not long ago, that as America had produced no great man whatever since the day of her emancipation, it was proper to attribute such great men as she had produced, anterior to that period, to the superb influence of kingly sway ! We cannot refer

to the passage now, but we believe that it appeared in the 'Edinburgh Review,' about No. LX. or LXI. We ought, however, to acknowledge that the British are not so very much to be pitied for pretending to all the chief men of America, since it is the settled doctrine there, that as the whole body of British Americans were British subjects up to the day of their independence, every British author, who lived before that period, was *their* countryman, and that, of course, the share of America in the reputation of such men as Bacon, Locke, Milton, Shakspeare, and others, is like the share that the mother country has therein. They were of *our* ancestry as they were of *your* ancestry, say the present people of America to the present people of Great Britain. "They were fellow subjects of the same king with *our* fathers and with *your* fathers. Where then is your prerogative? Why do you claim an exclusive property in their reputation? The poetry of the bards, the philosophy of the sage, and the wisdom of the great, from whose loins we are sprung as well as you, are as much our property as yours. They were our fathers too, and we are their posterity. All that we have since we became another people is our own; all that you have, since that period, we forego all claim to."

Let us return to the extracts from the book. "Mr. Cooper and Mr. Irving have, it is true, gained some little reputation (15), but I am credibly informed that the former of these gentlemen has been once or twice in England, and that the latter had never wrote English until he had been long enough there to forget the jargon of his own country." "But, to put the matter at rest, for ever, it is utterly impossible for any thing elegant or good or beautiful or great to take root in the polluted sink of that earthly pandemonium, a genuine republic" (9). "Religion is at a very low ebb here—the want of an established church has made the bulk of the people either infidels or fanatics" (10).

"The white people were for the most part employed in getting drunk at the taverns, running horses, fighting cocks, or goring one another's eyes out; ('John Bull' is here describing Connecticut); the women sitting along the road chewing tobacco (11) and spitting in the faces of the passers by; and the little boys and girls were pretty much occupied in beating their parents (12). To vary these amusements, they sometimes made a party to hunt a little naked negro with their dogs, which I observed were all blood-hounds." \* \* "I have seen a lady of the first distinction here (the traveller is now at Boston, Massachusetts,) walking the Mall with a stout black fellow behind her, and occasionally amusing herself with turning round and scratching his face till it was covered with blood (13). \* \* "We arrived at Portsmouth, an inland town, capital of Georgia (14). \* \* "Their greatest scholar is Noah Webster, who compiled a spelling-book, and their greatest poet, the author of 'Yankee Doodle'" (15). \* \* "A murder

was committed by one gentleman of colour upon another, in consequence of a dispute about the property of a bone which had been picked six days in succession. The murderer at last seized the bone, hit his adversary on the temple with it and killed him instantly ; after which he buried him in the mud of the kitchen" (16). \* \* "About five in the afternoon we arrived at Bellow's Falls, at the mouth of the Ohio, where I embarked in the steam boat for New York" (17). \* \* "*These steam-boats all the world knows were invented by Isaac Watts, who wrote the book of Psalms.*"

But enough—the original idea of such a work would have been worth more than the work itself is, forty times over. But Mr. Paulding has spoilt the idea—it would be impossible now for any body to get through a book purporting to be written by a British traveller in America, prepared in the spirit of real good humour. It would be an old story after the jokes which, tolerable as they are in a body, and very good as a few of them are in Mr. Paulding's book, are greatly inferior to what they should have been.

Note (9). All the abuse of a Republic and of Republicans which we meet with here is to be paralleled by pages that have appeared in two or three of the most respectable journals of Great Britain. We shall refer to a passage or two in proof, unwilling as we are to rake open the ashes of a former feud. The whole of the attacks by the 'Quarterly' are much in this very strain—the chief part of the articles in the 'British Critic' were worse—a few in the 'Edinburgh' nearly as bad, to say nothing of a late paper\* which appeared in 'Blackwood's Magazine'—a paper which, oddly enough, came out, side by side, with two articles, *the very last of a series about America*, which were written, it appears now, by a Native American ; a series which had continued for more than a year, in a temper so different from any thing that had ever been heard of before in 'Blackwood,' as to provoke much inquiry. Nor do we say anything here of a multitude of newspapers which repeated the calumnies of two or three of the worst among these British travellers in America, to whom we allude ; although, to give one a fair idea of the nature of such newspaper feeling toward America, and the value too of newspaper intelligence about that country, it may not be amiss to relate a fact concerning one of the most widely circulated papers of the day.

Not long ago, the 'Morning Herald,' while saying a word or two of Bolivar, of whose political history it could not have known much we fear, decided, in a very positive way, that he was a much more disinterested liberator than Washington, whom

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\* The article appeared in September 1825, under the head of "The Nobility." We shall give a passage or two before we have done.

it charged, in plain terms, with "*personal avarice*." Without stopping to inquire what was meant by *personal avarice*, and having a great desire to know the truth, we troubled the Editor with a note, praying to know, if he meant *avarice*, upon what the opinion was predicated, and furnishing him with a few facts in the teeth of such a theory. Our note was not published—neither excuse nor justification appeared. And how stood the facts to which we alluded?—Why, *first*, that George Washington served for eight years without pay, refusing to receive pay, though his private fortune, which was not large, suffered exceedingly by his attention to public affairs, and, when he came to make up his accounts for actual expenditure, he found himself a loser to a large amount, having lost, or never obtained vouchers for a good deal of what he knew he had expended for the public, and having already apprised the Committee who settled his accounts that he would not receive one farthing for which he might fail to produce a voucher. He kept his word. He came off not a gainer, but a loser, by the war—it being no easy matter, as any body may perceive, to keep vouchers at every step of one's way, during a course of eight years' battle and siege, suffering and retreat. 2. After enjoying a power such as no other man, perhaps, ever enjoyed with so little advantage to himself or his—the power of selling his country, or, at least, himself, to those who had already bought an inferior officer (Benedict Arnold) at a price that will never be forgotten—the power too of providing for all that he cared for and all that were related to him or his, he withdrew from the public service a poorer man by far, for all that he had done, without a single relation or friend (we believe) provided for, even as they are provided for in America, not merely with pay, but with employment as well as pay. 3. That his character was so understood by those who had an opportunity of seeing him every day, that the individual who had the management of his estate at Mount Vernon refused to save it, at the expense of a little fresh meat, from the wrath of a British officer, who had already set fire to several other seats which were then actually burning in sight, and swore to do the same by Washington's, if the boat were not supplied with provisions. He must have known the character of his "employer,"—and he must have been very sure of it, before he would have been willing to hazard so much for a point of honour. How deplorably ignorant must be the multitude here, concerning the multitude of America, if the editor of such a paper as the 'Morning Herald' is ignorant enough (or wicked enough?) to insinuate such a charge against such a man as George Washington; audacious enough, or weak enough, to attempt setting such a seal upon the forehead of such a man twenty-five years after his death, when his life has become a part of the history of the age, a man of such grave quiet virtue, a man who lived and died without having his character impeached, even by those who hated him. But after doing this—after being told that such a seal could not

stay where he had tried to place it, why did he not at once endeavour to remove it? Why!—the reader must answer the question for himself.

Note (10). See note (1). This passage is hardly an exaggeration of what has been said, in the mildest way, by the *friends* of America here.

Notes (11, 12, 13). These passages are little other than verbal extracts from the stories of Faux, Fearon, Weld, and Ashe; the former of whom gives a particular account of negroes being scourged to death, not aware, it would seem, of a fact, which we never had occasion to speak of, in this country or in the New England states of America, where they have no slaves now, without provoking either a very great show of surprise or a deal of cross-examination—which fact is, that in the slave states of America, though a slave owner may chastise a slave, *by law*, as an Englishman may his wife, or child, or servant, or apprentice, or scholar, he is liable there, as the Englishman is here, not only to suffer death if he beats a slave to death, but liable to suffer in every case either imprisonment or fine, or both, if he beats him cruelly or without good cause. I should remark here that the blunder about Boston, Massachusetts, a state in which there never was a slave, though especially absurd, is nothing to be compared to the blunders in almost every page of almost every British writer that ever speaks of America, or the people of America. Mr. Mathews himself made worse blunders at every step while giving an account of what he saw with his own eyes in America. “An American’s first plaything is a rattlesnake’s tail; he cuts down a tree upon which the old pigeons have built their nests and picks up a cartload of young birds.” “The pleasure of the Americans is in the fiery stimulus itself, not in drunkenness, but in getting drunk. Hence the ferocity with which they decide their quarrels, their rough-and-tumbling, their biting and lacerating each other, and their gouging.”—*Quarterly Review*, No. IV.

Note (14). “We arrived at Portsmouth, an inland town, capital of Georgia.”—Portsmouth is a sea-port, and the capital of New Hampshire. The capital of Georgia is Savannah, some 1200 miles off; but even this, we repeat, is no caricature of the blunders to be met with in Faux, Fearon, and others.

Note (15). Here we come to a more specific imitation. “Literature the Americans have none—no native literature, I mean; it is all imported. They had a Franklin indeed, and may afford to live half a century on his fame. There is, or was, a Mr. Dwight, who wrote some poems, and his baptismal name was Timothy.”—*Edin. Journal*, notice of Fearon’s book. “There is a small account of Virginia by Jefferson, and an epic by Joel Barlow; and some pieces of pleasantry by Mr. Irving.” “It is no doubt true that America can produce nothing to bring her intellectual efforts

into any sort of comparison with *that* of Europe. These republican states have never passed the limits of humble mediocrity, either in thought or expression. Noah Webster, we are afraid, still occupies the first place in criticism, Timothy Dwight and Joel Barlow in poetry, and Mr. Justice Marshall in history; and as to the physical sciences, we shall merely observe, that a little elementary treatise of botany appeared in 1803; and that this paltry contribution to natural history is chronicled by the last American historian among the remarkable occurrences since the revolution." All this appears in the 'Edinburgh Journal.'

Note (16). A murder, by one gentleman of colour upon another. Here the writer alludes to the infinitely absurd and suspicious complaints in England about the treatment of the blacks in America; while they treat their white brethren very much as the whites of America treat the blacks of that country. Fearon was full of charity and respect for the negroes; and yet he could not bear the familiar approach of a white man, who kept a public house. 'The tale of the mud is only a repetition of a story told by Fearon, who, getting into Cobbett's house on Long Island, nobody knows how, was told (he says) by a servant of Cobbett's, that, when they took the cottage, the mud was half leg deep—no, two feet deep, on the floor—left there by the "nasty Yankies!"' all which was either a Fearon or a—Cobbett. How could we say more of any story?

Note (17). 'This uninterrupted blunder about *Bellow's Falls*, at the *mouth of the Ohio*, where the traveller embarked in a *steam boat for New York*, is only to be understood by those who are quite familiar with Fearon, Ashe, Moore, and Weld. But some little idea of its absurdity, and thereby of the absurdity which characterises a large part of the books about America, may be had by comparing it with the next paragraph, which *may* be understood here: "*Steam boats, all the world knows, were invented by Isaac Watts, who wrote the book of Psalms!*" The reader may get an idea, by that single passage, of the merit of the book under review, every page of which contains more or less of the same sort of malicious and witty matter, with a pretty good idea of the merit of nineteen-twentieths of these British travellers in America.

But, after all the bitter and abusive things which are put into the mouth of this British traveller, are they, or are they not, worse than are to be found in the works of British authors about America? We say no, they are not; positively not. And for proof to a portion of what we say, passing over a score of superannuated publications of this country, we will advert to the paper in 'Blackwood,' which came out in the 104th Number, under the head of "The Nobility," since which the American, who had so long written for that Journal, on subjects connected with America, appears to have deserted it. The writer of the article



in question gets very outrageous while comparing the British with the American form of government. Some of his remarks are very true ; some richly deserve to be true, for they are given out with exceeding power ; and a few, a very few, are worthy of deep consideration ; but the rest are absurd, foolish, wicked. “ The *government of America*,” says he, “ has generally manifested, in its dealings with other states, the shirking low cunning and mean trickery of the petty tradesman.”—“ Interest has been, with it, every thing—honour, nothing.”

Now, in reply to this, we merely say, that we should like to have a single case pointed out where America has betrayed either “ shirking, low cunning,” or “ mean trickery ;” or a single case where interest has been with it—we do not say much—but *every thing* ; and honour—we do not say *nothing*, but a single case where honour has been little regarded. We know of no such case : but we know that such sweeping charges are easily made ; though they are as easily contradicted. Does the writer, who appears to be very sore about something throughout the whole essay—does he speak from experience or not ? Has *he* been overreached or outwitted by the negotiators of America ? We hope not. Perhaps, however, while we say that we know of no case where honour has been, to America, nothing, it may be well enough to add, that we do know of no less than five or six wars which have been *waged by her*, if not altogether, at least chiefly in defence of her national honour. She would not be bullied by the French Directory, and so she issued letters of marque ; she would not pay tribute to the Barbary powers, though justified by the usages of all the maritime states of Europe ; and though it was a very cheap mode of escaping war, yet she chose war, and scourged them into good faith. She made war twice upon the most powerful nation of the earth—a nation whose fleets covered the sea, while she herself had no navy, and while her sea-ports were all open to the sea, and her ships were abroad over all the waters of all the earth. Such wars were never wars of *interest* ; and if they were not wars for *honour*, they were at least wars of *principle*.

But the same writer proceeds : “ If we look upon its naval and military officers, we find such men as Jackson, Hull, Rogers, Porter, &c., who appear to be any thing *rather than gentlemen*.” We should be very willing to leave the character of American officers to be estimated by the British officers who have happened to fall in their way. “ Rogers,” the rough sailor, was rude enough, we acknowledge, to back his top-sails, in the last war, to the Plantagenet, a British seventy-four, and to lie-to for upwards of five hours, waiting for her ; his ship being only rated a forty-four at the time, and carrying no more than the larger class of American frigates. We should observe, by the way, that (as it afterwards appeared), the crew of the British vessel was in a

state of mutiny at the time; though Rogers knew nothing of it, or, of course, he would have borne down upon her. "Porter," the next on the list, was unmannerly enough to capture the *Alert*, a British sloop of war; and ungentlemanly enough to scour the Pacific, over and over again; to say nothing about a very strange book that he made on the cruise. And "Hull," he was rude enough to capture a British frigate, the *Guerriere*, while she was on the look-out for him: all this we acknowledge—but are such things never to be forgiven? The naval officers of the United States captured a few frigates, a small fleet or two, (on Lakes Erie and Champlain,) a few sloops of war, a multitude of privateers, and about five thousand sail of other coasting and sea craft; but, so far as our recollection serves, they did it after a very genteel fashion—a fashion set them by their British forefathers. The writer, however, could know very little of the matter; for the naval officers of America are celebrated for their courtesy. They affect a very peaceable carriage, wherever they go; and whatever they do, is done with a studied air of modesty. There is nothing of the theatre about them—the ordinary theatre I should say, though all of them are somewhat artificial in their every-day behaviour—affecting to be unaffected. They appear to be any thing but heroes till the war is up, and the battle roaring about them; but when the war *is* up, their carriage would be worthy of the great naval captains of their father-land, the sea chiefs in whom they glory. So much we can say for the *naval* officers of America; but we cannot say half so much for the *military* officers of that country, for they are, generally speaking, a very inferior class of men—brave, uneducated, rash, and talkative: generally speaking, I say, for before the last war was brought to a close, they had begun to wear a better shape; and now that the West Point, and other military academies are at work, the military men of America will be worthy of companionship with the naval ones. But we have passed over the other individual—"Jackson," who, it must be allowed, *was* rather ungrateful at the affair of New Orleans, where he cut up and captured somewhere about four thousand British troops of tried valour.

But our 'Blackwood' writer proceeds: "The duelling of America, contrasted with that of this country, (says he,) only leaves the impression of ferocious blackguardism."

Now, the chief distinction which we perceive between the duelling of America and the duelling of this country, lies in the fact, which may prove, to be sure, the "ferocious blackguardism" of the former, that, in this country, it may be that persons are too genteel to hit or be hit; duels are seldom or never injurious to either party; while, in America, they are generally fatal to one or both parties on the first fire. We are no advocates of the practice; but we do not much admire a system which appears to defeat itself.

Because, if honour requires of you to aim at a fellow-creature's heart, or to risk hitting his body, it requires you to hit him if possible, whatever a third party may say.

"The senate of America," says the same writer, "is but a contemptible shadow of the British House of Peers, and a worthless continuation of the House of Representatives." How little he must know of the nature of the North American senates; how little of the caprice of popular bodies, who are *immediately* dependent upon the great body of the people. We should counsel such writers to read the 'Federalist,' or 'Adams's Defence of the Constitutions of America;' after which, if he were disposed to question the utility of a senate in America, we should be willing to discuss the matter with him, seriously and thoughtfully, in these pages. We do not scruple to say, however, that, in our opinion, the senates of America are bad enough—too bad, if any thing better could be contrived—inasmuch as they somewhat resemble an aristocracy, an elective and shifting aristocracy, however, not a "permanent" one; a patrician body, so constituted as to be continually resolving itself into the great plebeian mass. But why waste a word upon this?

"The federal constitution of America is unnatural, imperfect, feeble, and disjointed. Society there is a coarse, vulgar, limping, one-handed, half-headed, deformed creature, left without the laws of religion or those of honour," &c. &c. &c.

Beautiful! one would have a curiosity to know by whom this paper was written. Was it by a patrician? If so—that fact would be a good reply to it. By a plebeian? What must have been his idea of his own dignity and worth? But why are the men, the fighting habits, the social habits, the negotiating habits, the duelling, the officers, the Senate, and the Federal Constitution of America, why are they all set upon with so much fury by a 'Blackwood' writer, after a twelvemonth or more of fair and sober dealing with America on the part of that Journal? Was he afraid the loyalty of the Magazine should be doubted? or was it a skilful stratagem to counteract the disclosure that appears in the very same paper by the author of the American articles, who finished his work by avowing himself to be a native Yankee? Now, we should say, not only here, but everywhere, not only to British, but to American writers, that, where nothing is to be got by outrage, none but a very bad or a very foolish man will go out of his way to offer it, even to a whole nation. But we renew the inquiry. Why such a paper, in such a work, after so long a period of comparatively good behaviour? Could it be that the writer was *unable* to make out a case for **THE NOBILITY** of Great Britain, without abusing the whole state of society from the top to the bottom, political, moral, and social, in the United States of America? We are putting a charitable interpretation upon the affair, and we may add, that, *if* what he says

of America be true, why, then, **THE NOBILITY** of this country are—just what he says they are. But if he should refuse to profit by this interpretation of such behaviour, if he should prefer the alternative, declaring thereby that he was *able* to justify **‘THE NOBILITY’** of Great Britain, without so much rude abuse of America, why, then, it is not for us to give a name to his folly. We cannot stoop low enough.

We see now why it is that Mr. Paulding has put so much brutal abuse of North American habits into the mouth of a British writer. We see now why it is that such a book would have been sure to be misunderstood: for now, *now* that the people and the writers of Great Britain appear to be cordially disposed toward their brethren over the water, it would be rather difficult for one of them to believe that such a book as we have before us could have been provoked by the behaviour of any well-bred Englishman. But we have said before, and we say again, that the people of America seldom or never see a well-bred Englishman; and what they have seen hitherto of the periodical papers of England has not been calculated, we know, to give them a favourable idea of their own standing in the eyes of the British political and literary men of the age. Were the John Bulls that go to America like the John Bulls that go to the continent of Europe this would not be so; good fellowship would arise in spite of all that has been or will be. If a John Bull goes to France or Germany, he has to learn something more than is required if he has only to go to America—another language, at least; and how is he to learn another language without learning more of his own, with a multitude of little things which he never needs if he be *only* going over to America? and therefore it is that such very ignorant people venture to go to that country, and to write about it after they have been there.

Regarded either as British authors or British travellers, it would be time wasted now for a clever man to *show up* the John Bulls who have made story-books, first and last, about the New World: but we are not sure that it would not be a useful labour for such a man to expose, at the cost of a page or two each, the whole tribe of Fearons, Fauxes, Ashes, Welds, Cobbetts, Moores,\* Parkinsons, Howisons, &c., and to do this along with the ‘Edinburgh,’ ‘Blackwood,’ and the ‘Quarterly,’ once for all. Mr. Paulding himself could have done this, if he had not written the book before us; but, having done that, he cannot do the rest. His book is a failure—and why? Because, whatever the people of America may imagine, it was not a chief object with Mr. Paulding to do them justice, or to make war on their account. He and others wish to have it appear so; but such was not his chief object, as

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\* It is high time for the people of America to forgive Moore. His fault was the fault of a boy; his atonement has been that of a man.

any body may see, who has once got into the right path, while reading the 'John Bull in America.' What was it, then? It was nothing more nor less than to attack the 'Quarterly Review' for its Review of 'Old England, by a New Englandman,' (a book which Mr. Paulding may have *heard* of perhaps,) and to attack it in such a way that, while every body about him should enjoy the contest, as one of a sturdy patriot fighting the battles of his country and of the public, but he would be paid for fighting the battles of "James K. Paulding, Esquire."

We preserve the title of Esquire to gratify the republican spirit of the Americans. By law, they have no titles; by courtesy, every man has a title there. We have seen a letter directed to Henry Lord, Esquire, a pocket-book maker, twenty years of age, by another pocket-book maker with whom he had lived apprentice; and both were "native" Americans. By law, by their speeches, and by the avowed principles of their confederation, every sort of title, not necessary to *office*, like that of President, or Judge, or General, is prohibited; and yet almost every man has a title of some sort or other, by which he is perpetually addressed, with a care which in this country, or in other parts of Europe, where titles are of a piece with all that you see in church or state, justified by the habits of the people, defended by their prejudices, and rooted by authority, would be laughed at by every man. It is rather worse, indeed, than the over scrupulous care with which your Sir Georges and Sir Peters of England are sure to be addressed, every time they are spoken to, when they are only Sirs, and especially when they happen to be nothing but Knights, for the knights, you observe, are the men that care most for the title. They put *Sir* George and *Sir* Peter on the brass-plates of their door, without saying a word farther; while the baronets, to avoid being mistaken for knights, are careful to engrave below the *Sir* George, or *Sir* Peter, the word BART. in capitals. Even so it is in the New World; your esquires are always on the watch to escape being *un*-noticed. And up to this day, perhaps ninety-nine out of every one hundred letters written by male Americans (out of business) are signed by their surname alone,—as if they were so many noblemen. "Smith," "Toby," "Winterbottom," "Hodges;" every soul of them is above signing a letter as if he had two names; and all this from reading your fourth-rate English novels, where they see "Athol," "Buckingham," "Dorset," &c., at the bottom of the letters.

But to conclude: It is high time that the people of England and the people of America were better acquainted with each other. The more intimate they are, the more they will respect and regard each other. Well-behaved Americans are received here like brothers, and well-behaved Englishmen, if they should ever go to America, will be well received there also: and why do they not go?—it is but a six or eight weeks' voyage at the most, and is often done,

we perceive, in less than three ; the American packet-ships are said to be the finest in the world, and the American ship-captains, having generally a share in the profits of the ship, are obliging to a proverb : one may live through the passage as he would ashore in the first hotel of this country. Within the last year, the experiment has been fairly tried. Two or three members of Parliament, we hear, with five or six other well-educated Englishmen, have had courage enough to make a trip to the United States ; and, if we may put faith in what is said, have come back alive, and without having been either scalped or tomahawked, gouged, boiled, or barbecued, set fire to in their sleep, tarred and feathered, hung in effigy, or stripped of their hide for razor-strops.\*

There may be, as we are told, few things over sea to startle the imagination of a poet, unless it were such a poet as Job ; few things of a nature to disturb or affect those who feed on poetry, unless it be the fact, worth alluding to, perhaps, that nearly 1,500,000 people, *native-born Americans, too*, are held in bondage there by the very men who set up their country as the last hope and refuge for liberty, the ark of salvation to the afflicted of Europe, the sanctuary of the oppressed, who, leaving their " desolators desolate," go about like the fowls of the air, tribe after tribe, day after day, even to the shores of another world. But while there may be but few things to please the poet, or tourist, or novel-writer of the present age, there are, what we take to be much better, a multitude of human beings, who, if not altogether free from prejudice, are politically free, free by comparison with every other people but this, and go to make up a state such as the world never saw, which has grown up as no other state ever yet grew, which goes on gathering peaceable power, solid reputation, wealth, and happiness, in a ratio seldom or never heard of before in the history of nations.

Is there nothing to attract a British traveller to such a spot ; nothing out of which a good book might be made by an able, upright, cautious man ? Is there, indeed, nothing to be met with in all the United States, all the twenty-four republics, worthy of a little attention, or a little inquiry from the educated and polite ? Nothing to provoke thought or encourage hope ? Nothing to reward a man for the trouble of a three weeks' voyage, when every part of Europe is ransacked every day of the year by the inquisitive genius of Great Britain ? Call to mind that the Anglo-American States are the only power whose origin, history, and growth are unmixed with fable. They are but of yesterday. You have seen them grow up. They were planted only a few years ago ; planted

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\* The Kentucky riflemen are charged with having cut strips of the skin, for razor-strops, out of the back of the celebrated warrior Tecumthe.

if not "by your care," at least by your "persecution;" filled, if not with all your virtues, at least with all your prejudices and all your partialities, with all your habits, and with a deep-rooted affection for you and yours, for your language, your history, your literature, your faith and your laws.

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THE DISTANT SHIP.\*

*By Mrs. Hemans.*

THE sea-bird's wing o'er ocean's breast  
Shoots like a glancing star,  
While the red radiance of the west  
Spreads kindling fast and far;  
And yet that splendour wins thee not—  
Thy still and thoughtful eye  
Dwells but on one dark, distant spot  
Of all the main and sky.

Look round thee!—o'er the slumbering deep  
A solemn glory broods;  
A fire hath touch'd the beacon steep,  
And all the golden woods:  
A thousand gorgeous clouds on high  
Burn with the amber light;—  
What spell, from that rich pageantry,  
Chains down thy gazing sight?

A chastening thought of human cares,  
A feeling linked to earth!  
Is not yon speck a bark which bears  
The loved of many a hearth?  
Oh! do not hope, and grief, and fear  
Crowd her frail world ev'n now,  
And manhood's prayer and woman's tear  
Follow her venturous prow?

Bright are the floating clouds above,  
The glittering seas below;  
But we are bound by cords of love  
To kindred weal and woe!  
Therefore, amidst this wide array  
Of glorious things and fair,  
My soul is on that bark's lone way,  
For human hearts are there.

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\* From the 'Literary Souvenir' for 1827.

HISTORICAL SKETCH OF THE RISE AND PROGRESS OF THE  
BRITISH POWER IN INDIA.

No. X.

WE have now to demand the attention of our readers for events of more than ordinary importance: the invasion of the Carnatic by Hyder Ali, his death, and the accession of Tippoo Sahib. Our view must, of course, continue to be rapid, and our reflections few; but this, if we fall not short of our purpose, will be of the less consequence, because the reader will be able to form, as he goes along, his own judgment on the course of events, and the actors and means that produced them.

It being reported in India that war had broken out between France and England, the Company's servants, without waiting for any official notification, without caring much whether it were true or false, immediately acted upon the intelligence, and prepared to possess themselves of every French settlement and factory in the country. The town of Chandernagore, and the factories of Masulipatam and Carical were taken without bloodshed; but the garrison of Pondicherry, commanded by M. Bellecombe, though deserted by the fleet under the command of M. Tronjoy, offered a gallant resistance, and yielded only when reduced to the greatest extremities. In this siege the land forces of the Company were commanded by Sir Hector Munro, and the fleet by Sir Edward Vernon. After the fall of Pondicherry, the French possessed in India but one settlement, that of Mahé, on the coast of Malabar; and, in order to deprive them utterly of all footing in the peninsula, the Council resolved on the reduction of this their last hold; and, accordingly, despatched a sufficient force, partly by sea and partly by land, to effect their purpose. It was, however, apprehended that the Sepoys, in marching across the peninsula, would encounter some opposition from Hyder Ali, but nothing of the kind occurred, and they arrived safe and unmolested on the Malabar coast. Mahé made no resistance, and was occupied, and the fort shortly after blown up by the English.

Before Colonel Brathwaite, who commanded on this occasion, could embark, according to his orders, to carry aid to General Goddard at Surat, his succour was required at Tellicherry against Hyder Ali. The English of this settlement had provoked the resentment of the Mysorean prince, by protecting a Nair chief, against whom he had some cause of complaint; and at the time that Mahé was evacuated by the French, was closely pressed by his forces. Brathwaite, therefore, was compelled to



delay his departure for Surat, whither the Council of Madras resolved to despatch another detachment, which was actually embarked for that place in the beginning of 1780.

The English, who, in 1769, had formed a treaty with Hyder Ali, every article of which they had evaded or broken, were now convinced that their want of faith had excited his utmost indignation; and the Madras Presidency, as being most exposed to the effects of his resentment, vigorously urged the Supreme Council either to take measures for securing the continuance of their alliance with him, or to form immediately an alliance against him with the Mahrattas. It soon became evident that their apprehensions of Hyder were well-founded. Nothing could have so strongly tended to excite his anger as our expedition against Mahé, a town situated in a district tributary to him, and whose inhabitants he considered himself bound by honour and policy to protect. Suspecting our designs, he had made his sentiments on the subject known before the expedition was undertaken, and observing that, notwithstanding, our troops had marched and taken possession of the place setting his vengeance and power at defiance, he perceived at once that we no longer held ourselves bound by any treaty, than it could be made an instrument of our ambition. Such being the case, he flung from him for ever all desire of maintaining peace with so perfidious a power, and immediately entered into a treaty with Nizam Ali and the Mahrattas, and prepared for carrying vengeance and destruction into the Carnatic. The English obtained the first decisive proof of his hostile intentions from his imperative injunction to Bazalut Jung not to admit any of the Company's forces into the Guntoor Circar, which he followed up by despatching a body of troops into the territories of that chief to enforce his wishes.

While Hyder, in conjunction with the Nizam and the Mahrattas, was carrying on his preparations for the invasion of the Carnatic, the Madras Presidency seem to have been quite tranquil, neither exerting themselves to avoid the danger, nor, indeed, apprehending any. It was not till June 1780, the very month in which the intelligence of Hyder's departure from Seringapatam reached them, that they began to think of throwing troops across the Kistna, in case of any danger in that quarter. According to old custom, when danger and difficulty threatened the very existence of our power, the sage members of council, and the select committee of the Madras Presidency, had spent the time that should have been employed in preparations, in debating whether any preparations were necessary; so that, when the news of Hyder's march arrived, every thing was to be done; and he was to be opposed with troops not yet collected from the various petty garrisons in the country. How-

ever, though the Mysorean army had passed the ghauts, and drawn up its artillery on the road to Changama, it was made a question at Madras, whether the whole affair was not a hoax, got up to alarm them. Lord Macleod, who had lately arrived with a new regiment from Europe, was of opinion, that it might, perhaps, be as well to take the matter seriously, and suppose the intelligence true. "But," said the Governor, "we have no money! *What can we do?*" He concluded, however, with informing Macleod, that an army should nevertheless be assembled, and that he himself should have the honour of commanding these penniless troops.

In the meanwhile, Hyder, with an army of a hundred thousand men, of which thirty thousand were cavalry, had hurried on, like a whirlwind, through the country, plundered Porto Novo, on the coast, and Conjeveram, not fifty miles from the capital. Wherever he marched, fear and consternation were before him, and behind him the solitude and stillness of death. His army, setting fire to the houses and unreaped crops of the Natives, who had fled for refuge to the mountains, seemed to obliterate in their march the footsteps of the human race from the earth, like the sand storm of the desert, which inhumes man and his works with the rapidity of lightning. Consternation and dark rumours were every moment spreading and gaining ground in the country—danger grew every moment more alarming—terror increased—confidence was abandoned—men sought safety in nothing but rapid flight.

While the Madras Government were preparing to meet the enemy in the field, their deliberations were disturbed by dissensions of the most intemperate kind. The Government at this time consisted of two parties, one of which made it a matter of duty to thwart the intentions of the other; and to so disgraceful a pitch did they carry their animosity, that while a tremendous enemy was ravaging and destroying the country, and every day gaining some advantageous position, instead of quenching their private hatred, in consideration of the public danger, these petty-minded selfish men amused themselves with bandying invectives, and sending challenges to each other. Yes, the General of the army, then wanted in the field to face the common enemy, remained bickering at Madras, and calling out some member of council to fight! However, after wasting two precious months, the Madras Government came to a resolution to attempt intercepting Hyder's convoys! Even this wretched attempt failed, chiefly through the disaffection of the Natives, who were less aggrieved by the present devastations of Hyder, than by the former constant extortion and tyranny of the Company and the Nuwaub. Colonel Cosby, who was the officer sent on this service, after failing in his expedition, fell in by chance

with the army, as it was retreating before that of Mysore, near Chingliput.

A party of Hyder's horse approaching Madras, the General abandoned his former intention of rendezvousing the troops near Conjeveram, and fixed on St. Thomas's Mount, close to Madras, as a spot every way preferable. They were in no condition to determine by their own movements the operations of the campaign, and therefore looked with an anxious eye on the motions of the enemy, who quietly put an end to all doubt on that point by laying siege to Arcot. This city was a place of the utmost importance; there the scanty stores the Nuwaub had provided were laid up; and from thence, if once in his possession, Hyder might conveniently issue to ravage and desolate the province. To prevent this result was, therefore, an object of paramount importance to the English; but on all sides indications of success were wanting; unfavourable intelligence was pouring in every moment; there was no money in the treasury, and nobody to be found who would lend any on the Company's bonds; the Nuwaub, when applied to, answered with a description of his own poverty, which, alas! was but too true.

In August 1780, the army moved through heavy and continual rain towards the camp of Conjeveram, where it arrived in four days, having been all the way harassed by the enemy's cavalry, which wounded and made prisoners some of the soldiers. Provisions were scarce, and no means appeared of procuring any. The battle of Conjeveram followed, in which, after displaying heroic bravery, and, according to good authority, considerable military skill, Colonel Fletcher was killed upon the field, and Colonel Baillie and two hundred brave officers and men taken prisoners by Hyder's army. These courageous men owed it seems their lives, and the little humanity they experienced during their captivity, to the noble conduct of Lally and the other French officers in the service of Hyder, which deserves (would that we could bestow it!) immortal fame.

The conduct of Sir Hector Munro was certainly very far, on this occasion, from being either heroic or reputable: he acted like a man bewildered; he blundered in the beginning, and concluded by a precipitate retreat, harassed by the enemy's cavalry, and leaving all his heavy guns in a tank near Conjeveram. At Chingliput, he was joined by Colonel Cosby's detachment; and, leaving his sick and wounded at this place, he hastened towards Madras, and took up a position on St. Thomas's Mount. It is conjectured, that had Hyder pursued these half-starved fugitives with his usual vigour, Madras must have fallen, and the interest of the Company in the Carnatic been ruined for ever.

During this fatal year, the usual quantity of dissention be-

tween the Madras Presidency and the Supreme Council took place; but the detail of their petty disputes would but uselessly encumber the more important events of Indian history. One fact, arising out of their dissensions, appears to us worthy of notice: the Supreme Council directed the Government of Madras to restore the Gunttoor Circar, and the latter neglected to obey. The invasion of Hyder put a stop to these discussions. It was no time, when the very existence of our empire in India seemed to be put in jeopardy, to urge their vexatious clamours against each other; and, therefore, the Governor-General, forgetting all other considerations, came to the determination to send as great a quantity as possible of money, and as many troops as could be spared, into the Carnatic, and requested Sir Eyre Coote to undertake the command. He advised also to make an offer of peace to the Mahrattas.

With a considerable detachment, and orders to suspend the Governor of Madras for contumacy in the affair of the Gunttoor Circar, Sir Eyre Coote sailed from Calcutta, and arrived at Madras in November 1780. The Governor, with the concurrence of the majority of the Council, was immediately suspended, and the senior member of the Council succeeded to the chair. Previously to this, however, the contested Circar had been restored, in the hope of detaching the Nizam from the interests of Hyder, of whom he was very jealous; but he did not appear disposed to second the views of the English. In several of the circars the Sepoys mutinied, because it was attempted to embark them on the sea, which their religion regards as impure or accursed.

Immediately after the battle of Conjeveram, Hyder renewed the siege of Arcot, which, after a very short resistance, was basely or treacherously surrendered by the garrison in October. Hyder behaved on this occasion with peculiar mildness and forbearance towards the inhabitants, who were loud in their praises of his humanity and generosity; and, as soon as he had made himself master of it, he proceeded to put it into the best condition to defend itself.

Sir Eyre Coote had no sooner taken the lead at Madras, than he drew up and despatched to England a tremendous picture of the affairs of the Carnatic, and of the conduct of the Madras Government, which he accused at the same time of incapacity and negligence. It has been thought that his accusations were unfounded, and that the emptiness of the Madras treasury, a circumstance not chargeable to the Government of the Presidency, was the true cause of the disasters that had happened. We have now no means of deciding this point. What we know is, that great negligence and incapacity had been shown somewhere in the Company's Government, and we think the Madras

Presidency guilty in some respects of both. However, the question now was, How were the consequences of this ill conduct to be prevented? It was found that the army which the Presidency could bring into the field against Hyder, did not exceed seven thousand men; nevertheless, it was necessary immediately to act, more especially, as four of the principal strong holds of the Carnatic, in which considerable stores were supposed to be contained, were now closely invested by the enemy. These places the General, with the approval of the other general officers, as well as the Select Committee, determined to relieve, and Wandewash being thought to be in the most imminent danger, it was thought prudent to begin with that. Accordingly, the army, under the command of General Coote, marched toward Wandewash, and, contrary to expectation, was allowed to cross the river Palâr without any opposition; Hyder, it is conjectured, being somewhat awed by the appointment of Coote, and the arrival of reinforcements from Bengal. Wandewash was instantly abandoned by the enemy; but, to counterbalance this success, intelligence was nearly at the same time received of the fall of Anboor, an important fortress, which commanded one of the passes into the Carnatic; and of the arrival of a French fleet. This altered the route of the army, which, instead of marching, as before intended, towards Permacoil, now directed its movements towards Pondicherry, and encamped on the red hills in its vicinity.

Hyder followed in their rear, passed within cannon shot of their camp, and filed off towards their left, in the direction of Cuddalore. Understanding, however, the scantiness of their provisions, for he always knew what was going on in the English army, he avoided a battle, and contented himself with wearing out his enemy by fatigue and want; while his cavalry overran and plundered the open country, and his army reduced Thiagar, and again laid siege to Wandewash. The prospects of the English, thus clouded, seemed to menace nothing but disaster, but they were somewhat brightened, shortly afterwards, by the departure of the French fleet for the Isle of France, and the arrival of our own fleet with a reinforcement of troops from Bombay. They learned, also, that this fleet had attacked and destroyed the ships of Hyder in the ports of Calicut and Mangalore; and thus, by one bold stroke, almost annihilated that maritime power which he was so anxious to create.

Towards the middle of June 1781, the English army, after sustaining a severe repulse before the fortified pagoda of Chillumbram, advanced toward Cuddalore, and encountered and defeated Hyder's main army, after an obstinate contest of many hours. In consequence, the siege of Wandewash was again raised, and, abandoning his designs upon the southern pro-

vinces, Hyder, with his son Tippoo, retreated with their whole army to the neighbourhood of Arcot. A great quantity of provisions was reported to have been laid up by Hyder in the fortress of Tripassore, and as the English were in want of every thing for the siege of Arcot, which they now meditated, they resolved to carry this place, and, accordingly, attacked and took possession of it after a few days' resistance. Little provisions, however, were found in the place, but their operations against it drew Hyder again upon them, who appeared before they had taken full possession of the works. This led to another battle, less fortunate than the preceding. Six hundred men, with many officers of distinction, were lost upon the field; and, although Coote absurdly claimed the victory, because the enemy removed during the succeeding night to an advantageous position, the English were compelled to march back to Tripassore to hide their victorious heads from the enemy. Recovering their confidence in a short time, many inferior movements were made against the enemy, but nothing decisive occurred: and in November, anticipating the falling of the monsoon floods, which actually overtook them on their march, the English crossed the Palâr, and the plain of Coccalore, and went into cantonments, reduced by one-third of the number with which they had lately taken the field.

In the meanwhile great changes had been going on in the political department at the Presidency. Lord Macartney, who was not a servant of the Company, had been appointed by a majority in the India House to the Government of Fort St. George, and arrived in the settlement in June 1781. He was a man of considerable abilities, and his coming infused new hopes into the inhabitants and functionaries of Madras. Anxious to distinguish his arrival by something brilliant, he attacked and reduced Sadras and Pulicat, two settlements belonging to the Dutch, with whom he himself carried out the intelligence that we were at war. He also, with the concurrence of General Coote and Admiral Hughes, made overtures of peace to Hyder, and received an unsatisfactory evasive reply, or rather a refusal. At the same time negotiations for peace were opened with the Mahrattas.

Proceeding in his design of reducing the whole of the Dutch settlements, Lord Macartney, in defiance of the opinion of Sir Eyre Coote, despatched Sir Hector Munro against Negapatnam, which was carried early in November. And in January 1782, the fleet sailed for Ceylon, to the attack of the Dutch settlement of Trincomalce in that island, the principal fort of which was taken by storm on the 11th.

Nevertheless, the Presidency was labouring under the fatal disease of poverty, and no means of providing a remedy ap-

peared. In this position Lord Macartney conceived the idea of making application to the Nuwaub for funds, which, in fact, he was unable to furnish. Upon pressing the matter it was found that this chief had, without their knowledge, concluded a treaty with the Bengal Government : which not only interfered with the proper jurisdiction of the Madras Presidency, but promised to create inextricable confusion in the internal management of the province. Lord Macartney protested against this interference, which reduced his authority in his own Government to a mere shadow, and showed very clearly that the arrangements of the treaty were ambiguous and absurd. After much difficulty and contention, it was determined that the Nuwaub's whole revenue should be assigned to the Company for five years ; that one-sixth should be allowed him for his private expenses ; that the collectors should be appointed by the President, totally free from the interference of the Nuwaub. This was settled in December 1781.

The next difficulty with which Macartney had to struggle, was the impracticable temper of the General, now made peevish by age and an improper degree of power. It must be allowed that in spite of the ill-humour and, in fact, the insolence of Coote, the Governor conducted himself towards him with infinite forbearance and mildness. The conduct of Sir Eyre Coote did not, perhaps, merit so much courtesy, as it was distinguished by petulant dissatisfaction, and an extravagant disregard of economy in the expenditure of the army, although he was fully aware of the excessive difficulties of the Presidency.

In the very beginning of the monsoon, and before the army had been many days in cantonments, the fall of Chittore and the danger that without immediate supplies Vellore would soon follow its example, once more drew out a great portion of the army into action. The General, though now in a very precarious state of health, commanded in person the detachment which guarded the supplies, and, notwithstanding the vigorous obstruction of Hyder, succeeded in throwing the necessary supplies into the town, and returned without incurring any considerable loss, to the encampment on the Mount. While these events were taking place on the eastern side of the peninsula, the garrison of Tellicherry, now commanded by Major Abington, was performing the most gallant exploits. With a very trifling reinforcement from Bombay, Major Abington succeeded not only in repulsing the army which besieged him in Tellicherry, and destroying their works, but moreover in replacing the chiefs displaced by Hyder in the neighbouring country, and in taking possession of Calicut.

About the end of 1781, a French and an English fleet, both destined for India, had an engagement in a bay of the Cape de

Verd islands, which terminated somewhat in our favour; but the French admiral sailed before the English, and defeated their project against the Cape of Good Hope, and compelled them to proceed to Hindoostan without effecting any thing there. In January 1782, Colonel Mackenzie, with part of two regiments, arrived at Bombay; and immediately re-embarking proceeded to Calicut, to join Major Abington. Assuming the chief command, as the senior officer, Mackenzie made many incursions into Hyder's territories, took several forts, and drove the army left for the protection of that part of the country before him, but was soon compelled by the monsoon rains to return to Calicut.

The French and English fleets approached Madras in February 1782, and, after some little delay, came to an engagement, which decided nothing. Suffrein, the French commander, was a man of consummate courage and very great abilities. He succeeded, immediately after the action, in landing 2000 men at Porto Novo, while the English fleet sailed away for Ceylon. This seems to indicate that whatever advantage was gained in the action was in favour of the French.

An event had occurred immediately previous, which, although disastrous in its result to the English, could not fail to impress upon Tippoo and his army the highest possible opinion of their heroic bravery. This was the capture of Colonel Brathwaite and his detachment on the frontiers of Tanjore. Never, perhaps in the history of the world, did men defend themselves with more valour, or firmness, or skill, their exploit does honour to military science, they formed themselves into a hollow square, with their cavalry in the centre, and their artillery planted at intervals in the faces; and, as often as the enemy advanced in prodigious numbers to overpower them, opened their fire, dispersed, repulsed them, and then their cavalry, issuing through the intervals immediately formed by the infantry, rushed out and cut the fugitives to pieces. For twenty-six hours did our countrymen sustain the incessant attacks of a prodigious force, and the sepoy, no less brave on this occasion, were at length compelled to give way only by the advance of four hundred Europeans with fixed bayonets. Nothing but the utmost exertions of the French commander, Lally, could restrain the furious barbarians from butchering our whole detachment, and it is said that before he could succeed in restraining their fury, his sword had shed the blood of more than one of the assassins. Tippoo himself likewise treated the prisoners with attention and humanity.

With the aid of the two thousand French, Tippoo now easily reduced Cuddalore. The French and English fleets, after manœuvring for sometime upon the coast, and attempting to



gain advantage over each other, came at length to an engagement on the coast of Ceylon, but again parted upon equal terms.

The English army, having now been some months in cantonments, took the field on the 17th of April 1782; and marched to the relief of Permacoil. On reaching Carangoly the General learned, however, that the place had surrendered; and on the 24th he encamped near Wandewash, on the very spot where, twenty-two years before, he had defeated the French general, Lally. The spot he thought was auspicious to him, but the enemy were not in a disposition to yield him a second victory there, as they removed on his approach to the neighbourhood of Kellinoor. Arnee, a port not far distant, was reported to contain the magazines of Hyder, and Sir Eyre Coote, imagining that, by approaching the place, he should be able to force the enemy to give him battle, moved in that direction, and encamped on the 1st of June within three miles of the place. To defeat this scheme, Hyder called up the resources of his genius, of an order very much superior to Sir Eyre Coote's, and by a fine stroke of military policy, drew the attention of the English commander to his rear, while Tippoo with a portion of the army pushed on with great rapidity to Arnee, and removed the treasure. Then, by another well-conducted movement, he retired as the English advanced, but laying an ambuscade for them by the way, cut off or took prisoners a regiment of European cavalry, which Sir Eyre Coote was accustomed to call his grand guard.

About the end of June, Lord Macartney was informed that peace had been concluded with the Mahrattas; and Sir Eyre Coote, without consulting the civil authority, immediately summoned Hyder to accede to the treaty concluded between the English and the Mahrattas, upon terms which the Mysorean was too sagacious to approve. Lord Macartney, incensed at the insolent conduct of Sir Eyre Coote, is said to have induced Hyder to reject these overtures. But Hyder's own genius, enlightened by careful spies as to what was going on at the Presidency, was quite enough to make him reject proposals of that kind: he amused poor Sir Eyre with specious pretexts, until he had arranged with the French admiral the plan of an attack upon Negapatnam, and then suddenly dropping all negotiation, left the English general in the most galling uncertainty on the nature of his designs.

The attempt upon Negapatnam failed, but the French admiral, after encountering the English fleet at sea, and maintaining a very gallant action, refitted his shattered fleet at Cuddalore, and sailing with great expedition for Ceylon, took Trincomalee, almost before the English admiral had sailed out of

harbour to prevent him. The English admiral, according to all appearance, piqued at the rapid motions of his enemy, now determined to repair by a victory the loss that had certainly been occasioned by his dogged self-sufficiency and sluggishness in sailing. Suffrein does not seem to have either avoided or courted an engagement, but he behaved with admirable coolness and courage during the action, and the fleets were at last separated by the darkness of night. It is related, that when two French line of battle ships had struck, during a former engagement, Suffrein fired into them till they again hoisted colours, and were in consequence saved.

An enterprise had been projected against Cuddalore, but the co-operation of the admiral being requisite, and he refusing his aid, the matter was necessarily abandoned. He acted still more perversely. The easterly monsoon approaching, he pretended it was no longer safe to remain on the Coromandel coast, and disclosed his determination to sail away immediately for Bombay. It was in vain that the Governor and Council conjured him to stay, to save by the presence of the fleet the Presidency from famine, and, perhaps, from utter destruction. Nothing could move him. He had never known what it was to want a mouthful of rice, and although he was assured that little more than would subsist the place for a fortnight remained in the warehouses, he expressed no concern about that, but, willing at any price to teach them the power of the despot of a British fleet, actually set sail with the hearty curses of the settlement to accompany him. This was on the 15th of October; on the following morning an awful spectacle was beheld on the beach; several large ships driven on shore; others sunk, or foundered, or stranded. Thirty thousand bags of rice were lost! The city, in addition to its usual inhabitants, was crowded by the people whom Hyder had driven in from the country, and multitudes of these, and others, were daily perishing for want. There was a famine. Pestilence also seemed at hand. Carts of dead bodies, collected from the streets or houses where they had expired, were daily collected, and carried out of the town to be buried in large trenches in the suburbs. More than one thousand thus perished weekly. While the Presidency was in this position, Sir Richard Bickerton arrived on the coast with a small fleet and upwards of four thousand men, but understanding the motions of the admiral, he also set sail for Bombay. General Coote, too, now growing unfit for the toils of war, set sail for Bengal, leaving the army under the command of General Stuart. A considerable reinforcement of Europeans was now despatched to the Bombay army on the western side of the peninsula, to distract as much as possible the attention of Hyder by dividing the war. This army under Colonel Humberstone performed, however, nothing of im-

portance, but was, on the contrary, completely deprived of provisions by the vigilance and daring of Tippoo; and having by almost a miracle passed the river Paniané in the dark, and thrown itself into the town of the same name, narrowly escaped being made prisoners. Here they were blockaded by the Mysoreans, and in all probability were on the edge of fate, when, to the great joy of the English, and the equal alarm of the enemy, the news of Hyder's death recalled Tippoo to the Coromandel coast, and diffused extraordinary hopes that the empire of Mysore was at an end. In fact, the probability is, that had General Stuart not been deficient in his duty, and marched immediately, as ordered by the Governor, to the attack of the Mysorean army before the arrival of Tippoo, this formidable power, if not wholly destroyed, might have been so much weakened as to be disabled for many years to disturb the Company's dominions. But the conduct of Stuart at this important moment was so utterly unaccountable that, in a more scrutinizing and suspicious Government, it might have given rise to surmises not very well calculated to augment his fame; in short, he acted as he would have acted had he been in the pay of Tippoo.

On the other hand, nothing could exceed the celerity with which this prince hastened to the main army, from which, by the policy of the chief officers, Hyder's death had been concealed. On his way, he had performed at Colar the usual ceremonies at the tomb of his father, who, at the time of his death, was upwards of eighty. And now, being joined by a reinforcement of above three thousand men, partly Europeans from Cuddalore, he was in a condition immediately to take the field. The forces of the Presidency, both European and Native, amounted to little more than fourteen thousand men; and with these, after amazing delay, General Stuart marched on the 4th January 1783, to meet the enemy in the neighbourhood of Wandewash. On the 8th, the army of Tippoo appeared; but when the English advanced to give him battle, he retreated in a disorderly manner before them; and they learned immediately after at Vellore, that Tippoo Sahib, having evacuated Arcot, and destroyed its fortifications, was rapidly retreating from the Carnatic.

This retreat was caused by the invasion of Bednore, one of the richest dependencies of Mysore, by the English under General Matthews. They passed the Ghauts with great courage and perseverance, took several forts and towns, among others that of Bednore itself, in which vast spoil was found, and, in the exertion of their duty, forgot but too frequently the laws of honour and humanity, and butchered by the General's orders every man found under arms. Making allowance for some exaggeration, though we cannot exactly see why his cruelties should have been exaggerated, Matthews still appears

to have been a rapacious bloody-minded man ; for not only did he issue the barbarous commands above-mentioned, but, moreover, after the battle, reprimanded various officers for tempering his orders with humanity. By this conduct, added to his rapacity in withholding the plunder from the army, Colonel Macleod, Colonel Humberstone, and Major Shaw, were so far disgusted that they left the army and carried their complaints and accusations against him to the Government of Bombay. Satisfied that his conduct was flagrantly reprehensible, the Governor and Council superseded him, and appointed Macleod to take the command. But this officer, rashly involving himself, on his return to the army, with the Mahratta fleet of Gheriah, was himself wounded, and Colonel Humberstone and Major Shaw were killed.

Wholly intent upon plunder, the army of Bednore dispersed itself over the country, and in this condition was surprised and made prisoners by Tippoo. Alleging that they had violated the laws of nations, Tippoo would not consent to treat them as ordinary prisoners, but sent them in irons to be imprisoned in a fortress of Mysore.

Meanwhile, events of great importance were taking place on the Coromandel coast between the French and English ; the latter attempting to recover Cuddalore, and the former defending it. The little want of success which marked our operations at this period is almost wholly to be attributed to the misconduct of General Stuart, who, with the most perverse obstinacy and studied delay, defeated the views of the civil authorities, and gave the French time to mature the defence of Cuddalore. Forty days did he consume in marching to this place from Madras, not more than one hundred miles ; and even after his arrival so imperfect were his operations that a great portion of the troops, including many officers, was cut off through mere negligence. The consequences apprehended were tremendous ; and in all probability these apprehensions would have been fulfilled to the letter, had not intelligence of peace between France and England arrived in the midst of our misfortunes, and put an end to all hostilities.

Negotiations for peace were now opened with Tippoo likewise, and commissioners, with powers to treat, were despatched into Mysore. Still it was necessary to carry on warlike operations until matters were decided ; and for this purpose a detachment was prepared to be sent to the assistance of our countrymen besieged in Mangalore. General Stuart was still refractory and insolent, and as the Governor saw no prospect of bringing him to reason, and obtaining his cordial co-operation, his patience at length became exhausted, and he ordered him to be arrested, and sent by the first ship to England.

Notwithstanding that negotiations for peace had been entered into, warlike operations ceased not on either side : Colonel Fullarton proceeding with great vigour in storming and taking forts and towns, and Tippoo urging with peculiar vehemence and perseverance the siege of Mangalore. It was during this siege that the sentinels of Tippoo's army were accustomed, with a degree of generosity and humanity rarely equalled, to beckon to the English soldiers to get under cover and avoid their fire ; a trait of Hindoo chivalry, which the English gallantly rivalled. In reality, there was on both sides displayed, during this war, a greatness of mind, a degree of daring, of fortitude, of energy, of enthusiasm, which, under other circumstances, would have immortalized the actors. But, after all, what were the persons who thus distinguished themselves ? Slaves on the one side—on the other mercenaries ! Still, it is impossible to relate with coolness and unconcern the heroism of a Campbell at Mangalore, a Torriano at Onore, a Brathwaite and a Baillie on the other side of the peninsula ; courage and skill, however employed, must always excite a degree of admiration ; and in fighting for the East India Company these brave officers performed but their duty, though that duty was leading to the enslaving of a hundred millions of men. In spite of their almost unexampled heroism, Campbell and his garrison were constrained to evacuate Mangalore ; they obtained, however, the most advantageous terms, and marched away to Telli-cherry with arms, accoutrements, and the honours of war.

Tippoo now consented after victory to treat with the English, like the Romans used to do in ancient times ; and misfortunes had disposed our countrymen to accept of peace almost on any tolerable terms. A treaty, by which both parties agreed to restore the conquests made during the war, was therefore concluded on the 11th March 1784.

The conduct of Warren Hastings on the present occasion, and, indeed, throughout the whole of Lord Macartney's administration at Madras, was marked by malignant envy and duplicity ; he did every thing in his power to embarrass and impede the operations of Government at that Presidency, by upholding the insolent pretensions of the General, which, in fact, were founded on his own orders ; by concluding treaties affecting the Presidency of Madras, without the consent, or even knowledge of its Governor and Council ; by withholding the usual and necessary supplies from Bengal ; and by attempting, now that the treaty with Tippoo had been signed, to commence a new train of negotiations, for the purpose of constituting the rapacious and discontented Nuwaub, Walaw Jau, a party. Lord Macartney, with an ingenuousness which does great honour to his memory, explained his views to his tyrannical

superior with peculiar good temper; but, perceiving that concession and courtesy only provoked fresh insolence on the part of Hastings, he ventured, at last, "at his peril," as the despot expressed himself, to disregard his commands in the affair of the Nuwaub. Coote, in the hope of exciting fresh dissention and difficulty at Madras, was despatched from Bengal with a power perfectly independent of the civil authorities, but very fortunately died of apoplexy three days after his arrival in that Presidency. It must strike every reader of this portion of British Indian history, that whatever vanity and vain glory may have belonged to the character of Lord Macartney, nothing but praise is due to his conduct, up to the treaty of 1784.

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SONNET,\*

*Written at Benares, in the East Indies,*

BY D. L. RICHARDSON, ESQ.

[The following Sonnet contains an allusion to a well-known custom in the East Indies. When a female is separated from her lover, she repairs in the evening to the banks of the Ganges, (or holy river,) and launches a small floating lamp. Should the lamp sink, or the light be extinguished, before it has passed a certain distance down the stream, it is considered emblematical of the fate of the absent lover, who is supposed to have met with an untimely end.]

THE shades of evening veil the lofty spires  
Of proud Benares' fanes; a twilight haze  
The calm scene shrouds; the weary boatmen raise,  
Along the dusky shore, their crimson fires  
That tinge the circling groups. As day retires,  
The lone and long deserted maiden strays  
By Ganga's stream, where float the feeble rays  
Of her pale lamp—but lo! the light expires!—  
Alas! how cheerless now the mourner's breast,  
For life hath not a charm—her tears deplore  
The fond youth's early doom, and never more  
Shall Hope's sweet vision yield her spirit rest!  
The cold wave quench'd the flame—an omen dread  
The Brahmin dare not question—he *is dead!*

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\* From Ackermann's 'Forget me not' for 1837.

## ON THE TEMPERATURE OF THE TWO HEMISPHERES.

*By Professor Simonoff.\**

AN opinion has universally prevailed in Europe, since the commencement of the sixteenth century, and the first circumnavigation of Cape Horn, that the southern hemisphere is much colder than the northern. Meran and Buffon combated this opinion, but with little success. Epinus used new arguments in its support, and Cook confirmed it, by his discovery of huge masses of ice, environing the regions of the South Pole.

These ice-bergs were actually found to extend northward as far as to the  $71^{\circ}$ , and in some instances to the  $68^{\circ}$  of south latitude. Captain Von Balinghausen, Commander of the *Wostock Chaloupe*, of which I was appointed astronomer in the voyage round the globe, found it impossible, notwithstanding every effort, to get beyond the  $70^{\circ}$  of south latitude. Cook, at one point only, advanced as far as  $71^{\circ} 10'$ , and convinced that he could penetrate no farther, wrote on his chart *non plus ultra*. In the northern hemisphere, on the contrary, Admiral Tschischagoff and Captain Scoresby advanced to the  $84^{\circ}$  of north latitude.

In the latitude of  $54^{\circ}$  south, we found the coast of New Georgia and the island Macquarrie entirely covered with snow, and the bay frozen over. In the month of December, which corresponds with our June, the thermometer was never above  $4^{\circ}$  Réaumur, in the neighbourhood of New Georgia. Nature appears there quite inanimate; we saw not a single tree,—nothing but a very scanty and miserable vegetation; while, in our hemisphere, at Casan, for example, under the latitude of  $56^{\circ}$ , the thermometer, in the month of June, rises as high as  $30^{\circ}$  Réaumur. Every thing blooms, the trees bear fruit, and the soil yields so plentiful a harvest, that many neighbouring districts are supplied from it. In the latitude of  $64^{\circ}$  south, the thermometer is almost always at the freezing-point in summer, while, under the same latitude, in our hemisphere, we find the flourishing city of Archangel. In the southern hemisphere shoals of ice are often driven to a latitude equivalent to that in which the towns of Abbeville and Boulogne are situated. Several philosophers have endeavoured to account for this remarkable difference, and many hypotheses, more or less ingenious, have been framed to explain it.

The elliptical form of our globe was, some time ago, supposed to be the cause of the phenomenon, in consequence of the sun being

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\* Given in a letter written from Casan to Baron Von Zach.  
[Translated from the German.]

farther removed from the earth in our summer than in winter. Besides, the sun remains seven days longer in the northern hemisphere than in the southern. It has by some been thought that the eccentricity in the earth's motion might contribute, in our hemisphere, to mitigate the heat of the sun in summer, and to diminish the severity of the cold in winter. On a closer examination of these circumstances, however, it becomes obvious that their influence on the temperature cannot be perceptible.

'The difference between the greatest and least distance of the earth from the sun is, in fact, so trifling in proportion to the whole distance, and the sun's longer stay in our hemisphere so insignificant, when we deduct from the seven days, the nights, which are not warmed by the sun, that it is impossible so great a difference in the temperature of the two hemispheres can be produced by such slight causes. But, admitting for a moment that they do occasion some perceptible difference in the temperature, the difference between summer and winter in the southern hemisphere ought then to be greater than in the northern; but experience proves the fact to be quite the contrary. For example, in New Zealand, in the latitude of  $41^{\circ}$  south, we found that the Natives wore scarcely any clothing, and in the middle of winter the thermometer stood at  $16^{\circ}$  Réaumur. In Macquarrie Island I saw a kind of parrot, a species of which cannot endure much cold. That these birds remain there the whole year through, can scarcely be doubted, for they are not to be found any where else. The immense ocean which surrounds them, and the distance of the island from any other land, must render their emigration impracticable. Hence it appears that in the higher as well as in middle latitudes of the southern hemisphere, the winter is milder than in the northern. The elliptical form of the earth, therefore, does not explain the difference of temperature in the two hemispheres.

M. Biot, in his physical astronomy, throws out a conjecture that the great expanse of water in the southern hemisphere may contribute to its coldness. But the celebrated traveller, Baron von Humboldt, in his work, '*Des Lignes Isothermes*,' is, if I mistake not, the first who distinctly stated that the large surface of ocean in the southern hemisphere has a powerful influence on the temperature of that part of the globe. The small extent of continent in the southern hemisphere, he says, not only contributes to equalize the seasons, but also to diminish the positive temperature of the whole year. I certainly consider these causes more efficient than that deduced from the trivial eccentricity of our earth. During summer the continent throws out more heat than the sea, and the upper stream of air which rushes from the equator and temperate zones towards the polar regions, operates less upon the southern hemisphere than upon the northern.

It appears to me, however, that this influence of the sea might



easily be explained, independently of the subordinate cause of an upper atmospheric current; but before we proceed to this explanation, let us see in what way the earth is warmed by the sun.

The rays from this luminous centre are diffused in all directions and through all space. A portion falls on our earth and communicates to it a certain warmth. If the earth continually absorbed these rays, it would long ago have been carbonized. As soon, however, as it has absorbed the sun's rays in the necessary or sufficient quantity, those rays, after being retained for a time, are thrown back again; for the atmosphere, as is known, does not obstruct the radiant heat of the earth. Hence arises the constant and unchangeable temperature of our globe.

M. de la Place has shown that the temperature has not altered half a degree since the time of Hipparchus, that is, in two thousand years. In the meantime, the different situations in which the various points of the earth's surface are exposed to the rays of the sun, cause great differences in their temperature. The tropical regions, on which the rays descend perpendicularly, receive more heat than those parts of the earth upon which the rays fall obliquely. Consequently the climate between the tropics is exceedingly warm, while the two polar regions, which are but slightly touched by the rays of the sun, are covered with eternal ice. This difference is indisputably produced by the varied direction of the sun's rays upon the earth, or, more properly speaking, upon the horizon of every point upon the earth's surface.

In the language of mathematicians we may say, the mean temperature of every point on the surface of the earth is an effect of the sun's meridian altitude, allowing for some local peculiarities, as subterraneous fire, proximity to the sea, currents of wind from north to south, &c. This effect is at the horizon *nil*, and in the zenith at the *maximum*.

Hence arises the varieties of the seasons in the temperate zones. The sun, on passing to the north of the equator, directs his rays less obliquely on our quarter of the globe, consequently we receive more heat, and the earth becomes fruitful; but when the sun, returning from the equator towards the southern hemisphere, sends us his rays in a more oblique direction, our winter commences, we receive very little of his salutary warmth, and its insufficiency checks every operation of nature. The change of temperature in our climates, in the course of one day, also proceeds from the same cause. As the sun rises in the horizon, the heat gradually increases till it has reached its greatest height, and as he sets, the heat in the same manner diminishes. During the night we only experience the warmth which the earth, after being heated during the day, communicates to the surrounding atmosphere.

In tropical countries the difference in the temperature of the

seasons is not perceptible ; for though the rays of the sun operate upon the different seasons, according as they are more or less oblique, the variation in their direction is not so great as to enable us to recognise any difference, either by our sensations, or by the instruments used for measuring the temperature. A perpetual summer, therefore, reigns in the torrid zone.

Observations made in the roads of St. Croix and on the island of Teneriffe, confirm the fact, that the difference of temperature in the twenty-four hours is greater on the coast than at sea. Similar observations at Rio de Janeiro have had a still more decided result.

Proximity to St. George's Island, the Marquis de Traverse's Isle, the Sandwich Islands, and Clarke's Rocks, made no sensible difference as to temperature, whereas, at Teneriffe the difference amounts to  $4^{\circ}$ , and at Rio Janiero to  $10^{\circ}$ . The reason, no doubt, lies in the limited extent of land on which the observations were made, as the islands are small and surrounded by an immense surface of water.

This effect of the sea is, as the researches of Schele have shown, and the experiments of Saussure and Pictet confirmed, a consequence of its smooth surface, which reflects the heat, whereby the sea becomes gradually cooled. The property of being thus reflected has long since been known to belong to light and heat; but, as far as I know, it has never yet been explained.

I am of opinion that all solid as well as elastic bodies reflect light and heat, and that the greater or less degree of the reflecting power depends on the position of the particles of which the surfaces of such bodies are formed. The surface of a given body may be held to consist of a given number of smaller superficies. If these superficies be so arranged as to form with one another an angle of nearly  $180$  degrees, the whole surface of the body will appear level ; but, in proportion as the angles formed by the small superficies are more acute, the surface will appear uneven. Now, for the sake of distinctness, let us suppose two of the smallest superficies possible to form an angle of almost  $180$  degrees. The rays of light or heat which fall on one of these superficies will be thrown back, in company with those reflected from the other ; or, if the angle of the two superficies is so constituted that the light or heat which is reflected from one strikes the other while it withdraws itself from the vertex of the angle, the surface of a body thus circumstanced will absorb neither light nor heat. But when the angle of the small superficies is very acute, the rays reflected from the one superficies to the other will be reflected again from the latter to the former, and so forth.

Light or heat is, consequently, collected in the cavities of the angle, and is thence absorbed by the pores of the body. Thus the

light disappears, and the heat heightens the temperature. The more acute the angle is which is formed by the smaller planes of the uneven surface, the more the light will be absorbed ; and the case is the same with heat, the rays of which have also a tendency to pass from the interior of a body to its surface. The heat reflected from every body that has a smooth surface, returns into its interior. In the reverse operation, it quits the body and communicates itself to the surrounding objects.

What has been said on the change of the diurnal temperature, is also applicable to that of the annual temperature.

The sea, which occupies so great a portion of the southern hemisphere, reflects the heat, and is consequently less warm in summer, while in winter it is slower in growing cold. Hence the temperature is more equal than in our climates. In a southern latitude, for example, of  $60^{\circ}$ , the temperature is never sufficiently warm to melt the ice and promote vegetation.

The proximity of land disturbs the equilibrium, and renders the difference of temperature more striking, as is shown by the mean temperatures, which are nearly equal in similar latitudes of both hemispheres, as far as the  $34^{\circ}$ , because, up to that latitude, the southern hemisphere contains as great a surface of land as the northern. These considerations acquire greater weight when it is recollected, that in the waters where the continent projects more boldly towards the south, as, for example, Cape Horn, the masses of ice are found in more southerly latitudes, and it is on that side also that we can approach nearest the South Pole.

## SONNET

*To the ship Coromandel, on her passage from Calcutta to England, 1826.*

STATELY and beautifully see she goes  
 O'er the vast waters of the trackless deep ;  
 Where the brisk gale has dared to discompose  
 The mighty Ocean from his calm of sleep—  
 Buoyantly bounding, as the breezes play  
 Along the curling surface of the sea,  
 The ship majestically steers her way ;  
 Like that rich cloud floating in ether free,  
 Which, in the tropic eve, through boundless space  
 Rolls onward to the West its giant form,  
 Changing anon, in ever-varying grace,  
 Its hues, regardless of the distant storm—  
 Go ! noble emblem of a fearless might,  
 May God direct thee through thy course aright.

J. A.

THEORETICAL AND PRACTICAL VIEW OF THE LAW OF LIBEL  
IN ENGLAND AND IN INDIA.

*Practical View of the Law of Libel in England.*

No. VIII.

IN 1704, David Baillie was summoned before the Lords of Council in Scotland for defaming the Duke of Queensberry and the Marquis of Anandale; and this worse than Court of Star Chamber sentenced "the said Baillie to be infamous, and have banished, and hereby banishes him furth of this kingdom for ever; and have also appointed and ordained, and hereby appoints and ordains the said David Baillie to lie in prison, ay and while he be transported, and have appointed and ordained, and hereby appoints and ordains the said Baillie, before he be transported, to be set on the pillory at the Tron."

In the same year occurred the leading case of John Tutchin,\* tried at the Guild Hall before Lord Chief-Justice Holt, for a libel, entitled 'The Observer' (a newspaper so called.) Edward Pinfold being called to serve on the Jury, desired to be excused.

PINFOLD.—"My Lord, I desire I may be excused. I do not know Mr. Tutchin, for I never saw him in my life; but I have read his 'Observer,' and have several times publicly disallowed them; and, therefore, some may think I am prejudiced against him."

ATTORNEY-GENERAL—(Sir Edward Northey).—"The question is only whether he was the author of these papers; for that is the matter to be tried."

PINFOLD.—"I do not know that."

MR. MONTAGUE—(Counsel for the prisoner).—"But, my Lord, there may be something more in it, for he particularly disallowed his papers."

LORD CHIEF-JUSTICE HOLT.—"You must not be excused, unless the Queen's counsel will."

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\* The following petition from the above Tutchin to James II., is contained in 'The Western Martyrology, or the Bloody Assizes,' p. 1197: "Showeth, that your petitioner now lies in this prison under sentence of the Lord Chief-Justice Jefferys to remain in the prison during seven years; that once every year he shall be whipt through all the market towns in Dorsetshire; that he shall pay a fine of one hundred merks to the King, and find security for his good behaviour during life: And therefore humbly prays your Majesty will be mercifully pleased to grant him the favour of being *hanged* with those of his fellow prisoners that are condemned to die; and till then your petitioner shall ever pray.

JOHN TUTCHIN."

MR. MONTAGUE.—“ My Lord, we challenge him on behalf of the defendant.”

SOLICITOR-GENERAL.—“ He cannot be challenged to the favour in case of the Crown.”

LORD CHIEF-JUSTICE HOLT.—“ He makes it as a principal challenge, which must be determined, and you shall have my judgment when drawn up. It must be a principal challenge, or nothing ; for there can be no challenge to favour in case of the Crown.”

PINFOLD.—“ My Lord, I desire to be excused.”

He was excused with the consent of the Queen's counsel.

ATTORNEY-GENERAL.—“ My Lord, the information is laid against Mr. Tutchin for a few of his ‘ Observators,’ of the many he has writ ; sometimes two and sometimes three in a week. It is a great while that he has done it ; and it has been the great indulgence of the Government that he has not been prosecuted before. He has been taken notice of by the House of Commons, *and been before the Secretary of State*, where he has been admonished to take care of what he should write ; but he would not take warning. And now he is to be tried for some of his papers, wherein it will appear that he has taken the greatest liberty, I believe, that ever man took. Libels used to come out by stealth, but these have been published openly with all the defiance imaginable. Gentlemen of the Jury, the matter you are to inquire into is, *whether the defendant be the AUTHOR or PUBLISHER of these LIBELS* ; that is the matter you are to try.”

In the course of his reply, the ATTORNEY-GENERAL said : “ But I am *surprised* to hear it justified here by a counsel, that the people have power to call their governors to account.”

MR. MONTAGUE.—“ I did not say so.”

ATTORNEY-GENERAL.—“ Certainly, what you did say,—viz., that you showed more discretion in passing it by, than we did in questioning the defendant for it, and that we wanted discretion in bringing this matter on the stage,—*could have no other meaning but that the matter was justifiable*, but you would not in prudence do it ; which, I must say, is the greatest liberty I have known taken by a counsel.”

LORD CHIEF-JUSTICE HOLT.—“ I did not hear him say so.”

MR. MONTAGUE.—“ I did not say so. I said it was more discreet to pass it by than to take notice of it.”

ATTORNEY-GENERAL.—“ I will always prosecute any man that shall assert any such doctrine. My Lord, I think myself obliged in duty to take notice of such discourses as these, which no counsel ought to *presume* to make.”

LORD CHIEF-JUSTICE HOLT—(In his charge to the Jury).—“ They say that nothing is a libel but what reflects on some parti-

cular person. But this is a very strange doctrine, to say that it is not a libel reflecting on the Government, *endeavouring to possess* the people that the Government is mal-administered by corrupt persons that are employed in such stations, either in the navy or army. To say that corrupt officers are appointed to administer affairs is certainly a reflection on the Government. *If men should not be called to account FOR POSSESSING the people with an ill opinion of the Government, NO Government can subsist."*

It is scarcely necessary to remark on the obvious but very serious fallacies in Lord Holt's doctrine. It asserts, that *no* government can subsist if it may be libelled with impunity; and, conversely, that almost *any* government may preserve its existence by exercising due severities against libellers,—than which no error can be more dangerous. Has not experience abundantly shown, does not all history testify, that every *good* government can subsist in defiance of the utmost license of libellers, whose falsehoods and pernicious counsels, in whatever proportions they may be compounded of ignorance and malice, inevitably recoil on themselves, bringing *them only* into hatred and contempt; and that the downfall of *bad* governments has been rather hastened than arrested by the indulgence of its rage against those who exposed its corrupt and violent proceedings. James II. called to account all, from the Archbishop of Canterbury down to the fabricator of the meal-tub plot, who endeavoured to "possess the people with an ill opinion of his Government." His successors have not prosecuted one in a hundred who have made similar attempts; and ever since March 1801, the Government of the United States has been legally disabled from prosecuting for libels against itself. It has voluntarily placed itself in the predicament wherein, according to Lord Holt, no government can subsist, but which is, on the contrary, of all others the most favourable to its stability, or to such easy and bloodless modifications as change of circumstances may at any time render expedient and beneficial. The successors of Lord Holt, however, have attended exclusively to the *authority* with which he delivered his doctrine, as if its reasonableness and solidity were unquestionable. Thus, Lord Ellenborough said,\* that the case of *Tutchin* had "removed all ambiguity from the question," whether a publication which *tended* to bring the Government into disesteem (whatever might be the character of the Government or the motives of the writer) was criminal; and a rule which, by its incompatibility with all freedom of discussion, would seem intended as a *reductio ad absurdum*, he and all judges have been well content zealously to administer, as far as the common sense and honesty of juries would permit.

The jury found Tutchin guilty of composing and publishing, but

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\* The King v. Cobbett, 1804.

not of writing. After a long technical debate on flaws in the *venire* and *distringas*, the verdict was set aside, and he was not tried again.

In 1710, Dr. Sacheverell was impeached for high crimes and misdemeanours, in printing a dull sermon on 2 Cor. xi. 26., the memory of which would not otherwise have lived a week. The part of the sermon against which the managers of the impeachment chiefly directed their argument and eloquence, was his assertion of the doctrine of non-resistance, without excepting that which had been rendered necessary at the revolution; to which the reply urged by his counsel was, that the doctrine had been stated in as strong and unqualified terms by Archbishop Tillotson and Bishop Burnet, and that such a doctrine could never disturb the security of any Government. But the sting of the sermon, incredible as it may seem, lay in the following passage, in which the nickname of Lord Godolphin (*Volpone*) was introduced :

“ Nor indeed could any one be supposed so sottish as to place the least confidence in these men ; did they not bait their hook, and cover their treachery with the sacred and plausible pictures of friendship, whereby they are capable of doing more mischief than a barefaced and professed enemy. In what moving and lively colours does the holy Psalmist point out the crafty insidiousness of such wily *Volpones*. “ Wickedness (says he) is therein ; deceit and guilt go not out of their streets. For it is not an open enemy that hath done me this dishonour, for then I could have borne it,” &c. &c.

For this trash did Lord Godolphin, in spite of the remonstrances of his colleagues, get up an *impeachment* of the Doctor, which, as Swift says, “ drew the populace as one man into the party against the ministry and parliament,” and encouraged the Queen to substitute Harley, Bolingbroke, and Ormond, for Godolphin, Somers, and Marlborough. The result of this solemn trial was that Sacheverell’s sermon was burnt, and he himself suspended from preaching for three years. When the period of his silence had expired, he preached before the House of Commons on the 29th of May 1713, and on the next day received the thanks of the House for his sermon, and was desired to print it.\*

In 1711, the Rev. — Bedford was convicted of writing and publishing a seditious libel entitled ‘ The Hereditary Right, &c.’ and the Court gave judgment that he should be fined 1000 marks, be imprisoned three years, and upon his delivery find four sureties

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\* Mr. Coke says that this impeachment was an inexcusable degradation of the dignity of the House of Commons, and affords a striking instance of the height of folly and infatuation to which the spirit of party will carry even the wisest men ; and that the triumph of the Tories was evident from the lenity of the sentence. *Mem. of Wal.* 24, 25.

in 5000*l.* for his good behaviour during life, and upon a certain day he was to be brought up and shown to all the Courts sitting in Westminster Hall, with a paper in his hat expressing the crime and the judgment. The ignominious part of the judgment, the defendant being a clergyman, was remitted, by an authority under the privy seal, signed by the queen.

In 1719, John Mathews, printer, was indicted for high treason, upon Stat. vi. Anne, for printing a libel entitled, 'Ex ore tuo te judico. Vox populi vox Dei,' before Lord Chief Justice King, and ten other judges; and executed November 6, 1720, aged 19 years. It is a remarkable fact that no person was executed for treason in Britain during the reign of Queen Anne.

In 1719, the Rev. — Bliss, being convicted of publishing a seditious sermon, was fined 300*l.*, ordered to stand upon the pillory twice, and to find security for his good behaviour during life.

In 1731, great interest was excited by the trial of Richard Franklin, before Lord Chief Justice Raymond, on an information filed by the Attorney-General (Sir Philip Yorke, afterwards Lord Hardwicke) for printing and publishing a libel entitled 'A Letter from the Hague,' in the 'Craftsman' of January 7, 1730, and supposed to have been written by Lord Bolingbroke.

ATTORNEY-GENERAL.—"I would have you to know that even the prerogative of the king is founded upon law, and limited by it, and so are all things relating to his subjects; and it cannot be supposed that a printer only is exempted, and at liberty to use his press for what purpose he pleases. If he is, I desire that the defendant's counsel would point out that law. No, the law is not so absurd as to allow such a liberty of the press. The liberty meant is to be understood of a legal one. He may lawfully print and publish *what belongs to his own trade*; but he is not to publish any thing reflecting on the character and reputation, and administration of his majesty, or the ministers, nor yet to stain the character or reputation of any of his subjects. For, as I said before, to scandalize and libel people *is no part of his trade*; so I say that it is only that liberty of the press which he is to use, that is regulated by law and subjected to it," &c. &c.

It is from the time of Lord Raymond, who presided at the trial of Franklin, that the Court's usurpation on the province of the jury is most clearly pronounced and established.

LORD RAYMOND.—"But then there is a third thing, to wit, whether these defamatory expressions amount to a libel or not? This does not belong to the office of the jury, but to the office of the Court; because it is a matter of law, and not of fact; and of which the Court are the only proper judges."

The same doctrine was asserted by the Attorney General.



Franklin was fined 800*l.*, imprisoned one year, and to find security for his good behaviour for seven years.

In 1735, the trial of John Peter Trenger, for libel, at New York, is remarkable for the noble and successful stand made by his counsel, Mr. Hamilton, against the encroachment on the functions of the jury, lately confirmed, if not introduced by Lord Raymond. The prisoner was acquitted, where, 33 years earlier, his libel might have been adjudged high treason. Mr. Hamilton was an old barrister who had come from Philadelphia to defend Trenger, gratuitously. The corporation voted him an address, and the freedom of the town in a gold box.

In 1754, Richard Nutt, for a jacobitical libel, entitled 'The London Evening Post,' was sentenced to pay a fine of 500*l.*, to stand on the pillory, and to be imprisoned in the King's Bench for two years.

In 1758, Dr. John Shebbeare, for a jacobitical libel, entitled 'A Sixth Letter to the People of England on the Progress of National Ruin; in which it is shewn that the present Grandeur of France, and the Calamities of this Nation, are owing to the influence of Hanover on the Councils of England,' was fined 5*l.*, sentenced to the pillory, and imprisoned three years. Dr. Shebbeare was regarded as a martyr by the populace, who surrounded his pillory with expressions of the greatest sympathy and respect, while one held an umbrella over his head! In Lord Orford's 'Memoirs of the last ten years of the reign of George II.' vol. ii. p. 421, there is the following note by the author: "It is worth remembering that amongst the authors patronized and pensioned by George III. were Smollet, imprisoned for a libel (on Admiral Knowles); Shebbeare, who had stood in the pillory for abusing George I., King William, and the revolution; and some other libellers." Upon which, the editor, Lord Holland, remarks: "To have patronised two ingenious men of letters, though formerly convicted of political libels, is no discredit whatever to George III., when, indeed, during his reign, new and severer laws were devised against political libel; it might have been *worth remembering* how many worthy, eminent, and learned men had incurred the guilt, and been exposed to the consequences, of that imperfectly defined species of offence, at various periods of our history. A circumstance from which it must naturally be inferred, that all further penalties adopted by Parliament may be inflicted on others, as worthy, as eminent, and as learned." Lord Holland might have added, that more enviously malignant calumnies against individuals are nowhere to be found than in these 'Memoirs'; and that Lord Orford himself had incurred the guilt, and been exposed to the risk of discovery of being the author of 'Constitutional Queries,' which, after warm debates, both houses ordered to be burnt, and

addressed the king to take measures to discover the author, printers, and publishers.

In 1763 began the longest series of commotions, not unstained with blood, which were ever occasioned by a libel. Not that the libel in question, or any libel, was ever the *cause* of such evils, their tendency to produce which, makes them the object of judicial animadversion, except inasmuch as they provoke intemperate and unrelenting proceedings on the part of government. On the publication of 'The North Briton, No. 45,' in which the enormity relied on, was a charge against the king of uttering a falsehood in his speech from the throne, Lord Halifax, one of the Secretaries of State, issued a general warrant for the apprehension of the authors, printers, and publishers, of that seditious and treasonable paper. In consequence, the house of Mr. Wilkes was entered in the night by three king's messengers, who searched his papers and seized his person, when, after examination at the Secretary's office, he was committed to the Tower. Being brought before the Court of Common Pleas, on a writ of Habeas Corpus, he was discharged on the ground of privilege of Parliament. An information was then filed against him by the Attorney General *ex officio*, and he was dismissed from his command of the Buckinghamshire Militia; and Lord Temple, as his friend, was deprived of the lieutenancy of the same county. On the meeting of Parliament, both houses resolved that privilege of Parliament did not extend to the case of writing and publishing seditious libels. And when the sheriffs, in pursuance of a vote of the House of Commons, proceeded to *annihilate* the offensive Number of the 'North Briton,' by seeing it burnt by the hangman in front of the Royal Exchange, the mob resented the insult in the most riotous manner. Mr. Wilkes immediately brought an action against Mr. Wood, the Under Secretary of State, for seizing his papers, and obtained a verdict in his favour with 1000*l.* damages. No less than sixteen journeymen printers brought actions against the king's messengers for false imprisonment on general warrants, and obtained from 200*l.* to 300*l.* damages. Mr. Wilkes, on his recovery from a severe wound received in a duel with Mr. Martin, late Secretary to the Treasury, withdrew to France.

The next step in this case was the non-appearance of Mr. Wilkes in his place in the House of Commons to answer the charge against him, for writing 'The North Briton, No. 45,' which was voted, January 19, 1764, a contempt of the House, and sentence of expulsion was passed on him. On the same day, Lord Sandwich, a person of notoriously dissolute manners, and a frequent partaker of Mr. Wilkes's disorderly revels, brought a complaint against him for "violating the most sacred ties of religion, as well as decency, by printing, *in his own house*, a book or pamphlet entitled 'An Essay on Woman,' with notes or remarks, to which the name of a Right Rev. Prelate (Warburton, Bishop of Gloucester) had been

scurrilously affixed." On this account the House voted him guilty of a breach of privilege; and also voted an address to his Majesty to direct a prosecution against him in the King's Bench for libel and blasphemy. As Wilkes still remained in France, the proceedings against him were run to an outlawry.

During five years, Mr. Wilkes continued in banishment; but at last on a dissolution of Parliament in 1768, he ventured to return with an outlawry hanging over him. Having offered himself a candidate to represent the city of London, and being left the last on the poll, he immediately declared himself for the county of Middlesex, and was returned by a large majority. After his election he surrendered himself before the Court of King's Bench, which refused to commit him on his outlawry, as moved by the Attorney General, because not brought regularly before them. He was afterwards, however, committed on a writ of *capias ut legatum*; but as the officers were conveying him to the King's Bench prison, he was rescued by the mob. After they had dispersed, he went privately to prison, where he was under confinement at the meeting of the new Parliament. A tumultuous mob was then assembled with an intention of conveying him in triumph to the House of Commons; and on their disappointment, became so riotous that an order was given to the military to fire upon them. Fourteen persons were killed and many wounded. The death of one Allan, who was singled out and pursued by the soldiers, was brought in, by the Coroner's jury, wilful murder; and the magistrate who gave the order to fire was tried for the crime and acquitted. The troops employed received the public thanks from the highest authority, for their conduct in this "Massacre in St. George's Fields," as it was then commonly called, or "act of atrocious violence," as it is termed by Burke.\* Mr. Wilkes's outlawry was reversed, June 8, 1768, on the slenderest possible technical flaw; but judgment was pronounced against him for his two libels, 'The North Briton, No. 45,' and the 'Essay on Woman;' and he was sentenced to two fines of 500*l.* each; and to imprisonment for the two terms of ten and twelve months.

The rest of the troubles connected with Mr. Wilkes were exemplifications of the mischievous doctrine of constructive contempt, but unconnected with questions of libel. To close this eventful and no less disgraceful history of a seven years' war against one man for having published a paper containing his *opinions* of the conduct of administration, which of itself tended only to complete the materials whereon the public judgment should be rested, it is necessary to mention that Mr. Wilkes's action against Lord Halifax, for the seizure of his person and papers, was not tried till November 10, 1769, before Lord Chief Justice Wilmot, when a special jury found a verdict for the plaintiff with 4000*l.* damages.

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\* Works, vol. ii. p. 253.

## STATE OF THE CAPE OF GOOD HOPE IN 1825.

BY A COLONIST.

## No. III.

BEFORE I proceed to develop farther the *practical* administration of the country districts, it may be advantageous for the reader to see what it is in *theory*, as described by the historiographer royal of the colony—our “Civil Servant”:

“In the Criminal Court for petty offences, (consisting of the Board of Landdrost and Heemraden,) the landdrost must always preside; and three members constitute a court, for the despatch of business. They punish by flogging, imprisonment, solitary confinement, hard labour, fine, banishment and transportation. An appeal from their sentence lies to the Court of Justice, and finally to the Governor in his Court of Appeal. Five members form a civil court, who decide for sums not exceeding 300 rix-dollars. From this court there is an appeal to the full court, and thence to the Court of Appeal. In both civil and criminal courts, the landdrost has a casting voice.

“The Veld-Cornets are appointed by the landdrost. One of their duties is to attend to the quarrels between masters, servants, and slaves, and to accommodate them if possible. They also punish for small offences; but in serious or difficult cases, they refer to the landdrost and heemraden, as their power does not go beyond that of flogging slaves. These officers have no salary, but are exempt from taxes and personal services in the command, &c. They are entitled to a loan place, free from quit-rent; and, if they have no loan place, to 25 rix-dollars per annum.” [The veld-cornets in the frontier districts have besides their privileges a salary of 200 rix-dollars.]

“The Landdrost is selected by the Governor, and removable at pleasure. The Board of Heemraden makes an election every year of two new members, in the room of two senior members who retire. Four persons are primarily elected by the majority; out of whom Government selects two. There is no special salary for this duty paid to the board, but the landdrost and heemraden are entitled to certain fees when they travel to inspect lands in dispute, or those granted to individuals by Government.

“The Court of Landdrost and Heemraden appears, on the whole, well calculated for its different purposes, and is in repute with both English and Dutch.

“The manner of electing the heemraden is not quite as indepen-

dent as might be wished, yet they generally are selected from the most respectable burghers, who have property and character.

"It is true, that an Englishman has been rarely called to the office of heemraad, except in the new drostdy of Albany, where the settlers are located; but, as in the old drostdys the greater part of the duties of the court relate to lands, and other matters more in cognizance of the boors, and are regulated by Dutch laws, there does not appear any necessity for alteration under the present system of the colony."

Such is the plausible description of the courtly "Civil Servant." The reader will be able to judge, by and by, what degree of confidence his assertions on this subject are deserving of.

**THE HEEMRADEN**—in point of fact, are the creatures of the landdrost, in the same way as the landdrosts are the creatures of the Governor. The appointment of the former has a somewhat less arbitrary aspect, but it is not a whit the more free on that account. When the annual lists are sent in to the Governor, the landdrost nominates such individuals as he knows will be quiet and docile tools, and the experienced satellites in office never fail to acquiesce unanimously in his recommendation. Should a man of spirit and principle, however, by any accident obtain a seat on this sapient board, he is speedily got rid of. If he can neither be managed, purchased, nor intimidated, he is annoyed and insulted in every practicable manner, until he resigns his seat in disgust: or if all means of this sort fail, the case is represented to the Governor, and he is unceremoniously, perhaps opprobriously, dismissed from office.

Captain Herbert, an Englishman, having gone to reside in the district of Uitenhage, a few years ago, was recommended by the Colonial Secretary, as a fit person to be elected into the Board of Heemraden. Such a recommendation could not fail. Captain Herbert became a heemraad; but after being present at a few of their meetings, he saw it would never do. He could not on every occasion docilely echo the usual "Ya, Mynheer." He was, however, a quiet and peaceable man, though he had a conscience. So he wrote to Colonel Bird, requesting to be dismissed; and he was graciously dismissed accordingly.

Mr Phillips, one of the most respectable heads of the settlers in Albany, was appointed a special heemraad, at the period of their first location, to assist the provisional magistrates; Captain Somerset and Captain Trappes, in administering the affairs of the new district; but perceiving, ere long, that these two captains were ruining the settlement, he ventured mildly to remonstrate against some of their injurious and illegal proceedings; and, at length, felt it his duty to join a few of the most respectable of the settlers in a petition to the acting Governor, praying for the re-

removal of Captain Trappes from office. Mr. Phillips was, however, soon taught that the remonstrance of a heemraad against any questionable act of his landdrost, or deputy landdrost, though officially it is part of the duty he is sworn to perform, is so far from being approved of in practice, that it is regarded as a symptom of sedition. Without further inquiry, he was himself dismissed from office; nor was he ever reinstated, although only a few months afterwards the acting Governor, on his visit to Albany, found the misconduct of the two military functionaries to be so glaring, that in order to enhance his own popularity, (which he was at that time particularly anxious to maintain,) he found it expedient to remove both of them from the district. In like manner, Captain Campbell, a gentleman of distinguished talent and character, was contemptuously dismissed by Lord Charles Somerset, from the office of heemraad, for daring to complain of the intolerable insolence of the landdrost Rivers. These cases, I merely notice at present, as specimens of the general system,—for the infractions of the colonial regulations in Albany, as well in the appointment and dismissal of heemraden, as in other points, are far too numerous to be detailed in the present section.

Generally, the landdrost admits one or two individuals of tolerable respectability and intelligence into the Board of Heemraden who may be capable of transacting official business, and managing ordinary affairs during his occasional absence. These, however, are persons whose fidelity to himself he can securely rely upon, from the bond of common interest: and if they perform their functions to his satisfaction, they seldom fail to be rewarded with grants of Government lands, advantageous Government contracts, or other public emoluments.

In 1824 and 1825, great exertions were made in the eastern districts, to get up addresses in favour of Lord C. Somerset's administration, and of Colonel Somerset's conduct as commandant on the frontier. Those exertions totally failed in Albany; but in the new district of Somerset, where the Beaufort dynasty had a most zealous partizan in M'Kay, the landdrost, they were more successful. The landdrost in person,—the heemraden,—the veld-cornets, were indefatigable; they rode and canvassed, and promised and threatened, until they got the addresses signed by a sufficient number of the "gallant burghers," as the 'Cape Gazette' ludicrously terms them.\* The functionaries who distinguished themselves in this loyal service were duly rewarded. What fell to the landdrost's share,

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\* Who were these "gallant burghers," thinkest thou, gentle reader?—The identical ruffians who, in the year 1815, rose in rebellion against the British Government, because they could not be permitted, as formerly, to shoot their slaves and Hottentots at pleasure, and whose brutality and ignorance were only surpassed by their contemptible cowardice.

besides confirmation in his office, and friendly recommendation at head-quarters, has not yet transpired ; but the heemraad, De Clerc, who rode round the district with the address in favour of Lord Charles, obtained the immediate grant of three new farms, although he was already in possession of a place of about 6,000 acres ; and his brother Berend, who already possessed a tract of valuable country about fifteen miles in length, and extending by measurement to 21,374 acres, (the greater part of which consisted of grants from Government,) obtained on the same occasion no less than *four* additional farms for himself and family, in the ceded territory. Durand, another heemraad, who already possessed lands to the extent of 12,648 acres, obtained new grants of Government lands for himself and sons, in the same liberal manner. While the functionaries, who exerted themselves zealously to promote the private objects of the Governor and the landdrost were thus profusely rewarded, those who really deserved well of the public were treated in a very different style. The veld-commandant, Van Wyk, who had been long distinguished as the most active local functionary of the eastern frontier, and to whose energetic loyalty and intrepidity, the prompt suppression of the rebellion of 1815 was mainly owing,—this brave and patriotic man had been appointed a heemraad, but when the mendacious laudatory address, in favour of Colonel Somerset, was sent to him, with a request that he would exert himself to procure signatures, he declined the degrading task, and sent it back as he received it. Such independence in a heemraad, was not to be tolerated ; and Van Wyk was accordingly dismissed from office, rewarded only by the consciousness of having done his duty, while the very rebels, whose criminal insurrection he had a few years before suppressed, were many of them elevated to civil office, remunerated with lavish grants of public lands, and lauded in the Government Gazette as “ the gallant ” and “ the loyal ” !

Such has never failed to be the fate of almost every individual of any degree of independence or public spirit who has happened to be invested with the heemraadship. Men like Phillips, Campbell, and Van Wyk might indeed hold the office conscientiously when the chief magistrate of the district happened to be an upright and worthy man,—a circumstance that has sometimes occurred, marvellous as it may seem, even under the administration of Lord Charles Somerset.\* But such cases are quite anomalous

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\* The colony can indeed boast at present of three such men, among its landdrosts, as Stoll, Stockenstrom, and Dundas ; but this could scarcely have happened in *ordinary* times. Every colonist knows perfectly well that but for the presence of the Commissioners of Inquiry, the second of these magistrates would long ere now have been dismissed from office, and that the third would never have been appointed.

“ That Stockenstrom is a cursed clever fellow,” said an aid-de-camp ; “ we cannot get hold of him for any official dereliction ; but he has per-

and contrary to the spirit of the system. Docility is the quality *sine qua non* of a heemraad; and if he be a dunce as well as a sycophant, so much the more eligible is he for office. Intelligent men are apt to be troublesome: they see too clearly—and though they may be quiet in Court, they may blab out of it.—“How could you admit that idiot——upon your board of heemraden!” said a visitor to a certain landdrost: “he is certainly one of the stupidest men in your whole district.” “I am perfectly aware of that,” replied the magistrate, “but ’tis fools I want---not clever men to contradict or criticise my measures.”

Of the average education and acuteness of the ordinary class of heemraden, the following trifling incidents, witnessed by a friend of the writer’s, may convey some tolerable idea:

One of the heemraden of Uitenhage, when receiving the yearly taxes, pretended to be keeping a cheek upon the secretary. Upon casting up, the accounts differed greatly. The secretary having proved his two or three times over, and found it perfectly correct, requested to look at that of the heemraad, when he found that this wiseacre had put all the units before the tens: for example, the sum of 90 stood thus 09! In another instance, a man giving evidence before the court, stated that one of the parties had “d—d” the other; when one of these sapient judges desired the witness to recollect he was before a court, and that he would be fined if he made use of such expressions.

It is the duty of the heemraden, in conjunction with the landdrost, to form the internal regulations of the district; which, being sanctioned by the Governor, become laws. The mode of proposing these regulations is in general as follows: the landdrost says, “Gentlemen, I think such a regulation would be very beneficial to the district. Do you not also think so?” “Ya, Mynheer,” responds through the hall, and the business is settled. The heemraden are also enjoined by their instructions to watch over the district expenditure, and to take care that economy is kept in view; but since in this, as well as other points, the will of the landdrost is never thwarted, they are of no use, except to serve by their nominal freedom of voice to screen that predominating functionary from individual responsibility on account of acts of official oppression, corruption, or prodigality.

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sonally offended Lord Charles—he has dared to complain officially of his son Harry—he has committed the crime which the Somersets never pardon:—dismounted therefore he is doomed to be before he is six months older.” The Commissioners arrived, however, and Stockenström is still in office.

“Dundás, landdrost of Albany!” cried Colonel Somerset, in January 1825; “What the h—l can this mean? I know my father cannot bear the sight of him. What could induce him to give *him* such an appointment as this?” The gallant Colonel has, I dare say, since discovered the secret cause of an event so unpleasant and unexpected.



For performance of these weighty functions the heemraden receive no salary, but they are entitled to some fees when called to an extra sitting, or to the inspection of lands; and, if they behave themselves to the satisfaction of the landdrost, they are rewarded (as has been already exemplified) by liberal grants of Government lands.

If the heemraden were elected by the inhabitants, they would be perhaps the most useful class of persons in the country districts, but, as it is, it would be much better if there were no such office, as the landdrost would then have all the responsibility as well as power.

THE DISTRICT SECRETARY keeps the records of the transactions of the board of landdrost and heemraden, and enters all the actions of a civil nature. In criminal cases, he acts as public prosecutor or Attorney General, and when a pecuniary fine is levied, he receives one-third. His salary is 1000 rix-dollars per annum, and a house is found him: he has numerous fees.

The secretary is also the only notary of the district. This occasions much inconvenience, as in case of his absence there is no person to make a protest if immediately wanted; and it is not to be supposed that a person who has not been brought up to the profession is capable of drawing out acts very correctly. The acts made by some of our district secretaries would make a very poor figure if produced in an English court. It is not at all unusual to see erasures with a penknife in the notarial acts of secretaries; and it is said that the Commissioners of Inquiry have complained that they have scarcely met with a single contract or other official document in any of the country districts which is not legally defective.

The secretary of the district is in general vendue master or superintendent of auctions, for which he receives one per cent. on all real, and two per cent. on all personal property. The remaining one and a half per cent. on the former, and three per cent. on the latter, are paid into the Colonial Treasury. The vendue master gives two months credit, and pays the amount in four.

The secretary, if his appointment were independent, might be a great check on the Board of Landdrost and Heemraden; for though he is not permitted to take any part in the debates, and is directed not to give his opinion unless it is asked for, no business can be transacted without his knowledge; and the expenditure of the district is recorded by him, for the inspection of the Auditor-General.

THE DISTRICT CLERK—(who is also registrar of slaves) is an officer appointed to bring on all civil actions before the Court of Circuit; and he is directed to endeavour in the first instance to bring the parties to a reconciliation. It is generally complained

that this office, trifling as its duties are, is seldom conducted with the impartiality which the due administration of justice requires.

When the secretary acts as public prosecutor before the court of landdrost and heemraden, the district clerk acts as secretary.

He receives 900 rix-dollars per annum as district clerk, and 500 rix-dollars as registrar of slaves, and has some fees.

THE VELD-CORNETS are obliged to see all the orders of the landdrost carried into execution, and to inform him of any thing extraordinary which may happen in their district. They have also the power of summarily punishing Hottentots and slaves. This is a power of no small magnitude, and (if at all necessary) should only be entrusted to men who have a strong sense of justice and humanity. What will be the sensation of my countrymen, when they are informed that men who have attempted to commit suicide, habitual drunkards, and boys of eighteen, are sometimes invested with this office! Ought persons of this description to be entrusted with the power of giving a Hottentot or a slave thirty-nine lashes with a thick rope? The Dutch Government, in their instructions for the regulation of the country districts, had provided for the appointment of proper persons to fill this situation; and two proclamations have been made on the subject since the colony has been in the hands of the English; but now that the landdrost is no longer obliged to comply with their tenor, of what avail are they? \* The contracts for servitude between the Colonists and Hottentots, are also made by the Veld-Cornets, and as it is not necessary to have the documents attested by witnesses, it lies in the power of these petty functionaries to oblige their relatives and friends by putting a Hottentot into their service for a trifling sum. This is the more easily effected, as the Hottentot, upon the expiration of his contract with his master, is only allowed three days to find a new one; when, if he has not succeeded, the Veld-Cornet *gives* him to whom he pleases. To this,

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\* \* *Instructions for the Veld-Cornets, Act 214.*

"The Veld-Cornets must be burghers of good fame and character, full twenty-five years of age, and who have lived at least two years in the neighbourhood of the place for which they are chosen; they must also be possessors of a freehold or loan place in the neighbourhood."

There is a proclamation to the same effect by Sir David Baird. But those regulations are altogether a dead letter. The usual mode in which Veld-Cornets are appointed and dismissed has been already exemplified in the case of Mr. Lotter; and a hundred similar cases might easily be adduced. The landdrosts are never checked in their choice of the inferior functionaries; and they consequently select, in general, persons obsequious to their own views, with very little regard to character in other respects. For instance, the notorious ruffian Piet Erasmus, who headed the insurgents in 1815 against Colonel Fraser, is now a Veld-Cornet in the Somerset district, and a special favourite with his landdrost. Vandernest, a Veld-Cornet of the same district, murdered two Caffre envoys in 1824 in cold blood,—yet, being in favour with Landdrost M'Kay, and Colonel Somerset, he merely received a gentle reprimand for this atrocious act from the Colonial Government, and is still continued in office.

one may attribute the circumstance of Hottentots being hired for the sum of four rix-dollars, or about six shillings sterling per annum. Their arbitrary control over the coloured population will, however, be more particularly described when we come to notice the condition of the slaves and Hottentots.

When the inhabitants are called out to form expeditions against the Caffers or Bushmen, the Veld-Cornets (under the direction of a Veld-Commandant) are the militia officers. Care should, therefore, be taken, that persons are appointed to the office whose characters are so good, that no honest inhabitant can complain of being placed under them ; but the very reverse of this is notoriously the case in innumerable instances.

The Veld-Cornets on the frontier receive a yearly salary of two hundred rix-dollars, are free from taxes, and are excused from the payment of quit-rent of one farm.

Having now given the reader some general idea of the machinery of Cape Government and its practical mode of operation, I propose, in the following sections, to exhibit its effects upon the several classes of inhabitants—beginning with the British settlers, who, if not first in natural order, are doubtless first in interest with their countrymen. And as nothing like a fair and full development of the conduct of the Colonial Government towards the settlers has ever yet appeared, I trust that the plain details I shall now bring forward, and illustrate with authentic vouchers, will not fail to produce a due effect in the quarters where it is of most importance that they should be felt and appreciated.

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SONNET WRITTEN AT NETLEY ABBEY.\*

*By David Lester Richardson, Esq.*

Thou glorious Ruin ! who could gaze on thee  
 Untouched by tender thoughts and glimmering dreams  
 Of long departed years ? Lo ! Nature seems  
 Accordant with thy silent majesty !  
 The far blue hills—the bright reposing sea—  
 The lonely forest, and meandering streams—  
 The gorgeous summer Sun, whose farewell beams  
 Illume thine ivied halls, and tinge each tree  
 Whose green arms round thee cling.—The balmy air,—  
 The stainless vault above,—that, cloud or storm,  
 'Tis hard to deem will ever more deform,—  
 The season's countless graces—all appear  
 To thy calm beauty ministrant, and form  
 A scene to peace and meditation dear !

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\* From ' Friendship's Offering ' for 1827.

## CHRISTMAS PRESENTS.

As the present publications differ very little, if at all, in their general character, from those which we formerly noticed, we can, of course, do nothing more than pass at once into detail. Perhaps, indeed, we may remark generally, that the poetical contributions of the 'Literary Souvenir' seem to be superior, in many respects, to those it contained last year. Several persons of very respectable poetical capacity, and a few writers of genius, have undoubtedly lent their aid to the making up of this year's volume; but in prose compositions it is not, we think, so rich. The verse predominates too visibly. To many, however, this may rather be a recommendation than otherwise—for all the world is grown poetical—especially as the poets are not this season so gloomily disposed as on former occasions. We observe, certainly, a few of the old school; Mr. Barry Cornwall and Miss Landon, for example, who will never forget their lugubrious notes, though they should live to the age of Methuselah. Breaking hearts that never break—love weighing down the spirits, like a leaden coffin—and oceans giving rise to melancholy reflections, are not the images best suited to seasons of festivity, for which these works are intended; nor do they now enjoy any respect, since no one believes in the reality of the sufferings and sensations described.

Another remark which the perusal *de suite* of these collections must give rise to in the mind of every reader, is, that, however various in character the great mass of our contemporary poets necessarily must be, they have nearly all adopted the same style, and, as far as possible, the same sentiments and images. This resemblance is too strong to allow of its being traced to the spirit of the age, and cannot possibly arise from any thing but eternal reciprocal imitation. Heaven knows, our bards are not unjust to each other. For, as imitation is generally a proof of excessive admiration, the modern inhabitants of Parnassus must, without dispute, be considered the most fraternal generation that ever wore laurel in society.

Grove nods at grove, each alley has its brother,  
And half the platform just reflects the other.

Miss Landon is quite Byronic, in her way, being, like the gloomy Harold, afflicted with some incurable heart-ache, whose pangs the public learn in monthly bulletins, through the periodicals of the metropolis. It would be a pity if we were left in the dark two months together, respecting the state of this young lady's heart, and wounded sensibility, which, we find, by a poem in the present 'Souvenir,' are not to be soothed with the fame bestowed upon her

verses, which issues, she suspects, from mouths utterly regardless of her except as a poetess :

“ Oh my heart, and my song, which is as my heart's flowing,  
 Read thy fate in yon river, for such is thine own ;  
 'Mid those the chief praise on thy music bestowing,  
*Who cares for the lips from whence issue the tone ?*  
 Dark as its birth-place, so dark is my spirit,  
 Whence yet the sweet waters of melody came ;  
 'Tis the long after-course, not the source, will inherit  
 The beauty and glory of sunshine and fame.”

P. 104.

Now this is refining too nicely ; it is as if a lady were to quarrel with her lover for his paying adoration to her beauty and loveliness, *not to her*. If critics praise Miss Landon's poetry, and it very often deserves and obtains a good deal of praise, let her not think them utterly indifferent about herself, but reflect that, in *propria persona*, few have an opportunity of expressing their regards. Authors should be content to be known and valued as authors.

Miss Mitford is a pattern for writers of both sexes—though sex should, in fact, have nothing to do with literature ; for, with a vigorous fondness for her subject, she disdains to mingle up her petty griefs, if she has any, and putting a good face upon the matter, is all sunshine in her intercourse with the world. This is precisely as it should be. Letters were surely not invented that mankind might give immortality in print to reflections springing from a transient fit of the vapours, and thus, long after the author has ceased, perhaps, to feel either sorrow or joy, cloud with artificial affliction the fancy of thousands of idle readers. We own a strong penchant for Miss Mitford. Her name, in the table of contents of volumes like the ‘Souvenir’ and ‘Forget me Not,’ operates in our case as a very strong recommendation, nearly, if not quite, as strong as that of Miss Edgeworth herself. We allude as well to her poetry as her prose ; there is the same correct and natural feeling, the same power, and the same vivacity in both.

Mrs. Hemans is much more in the fashion ; that is, she is of the sorrowing, tearful race. According to her, and Mr. Bernard Barton, all is nearly over with us, this side the grave ; all happiness and all good are abstracted from this miserable planet to be stored up for the more fortunate, in the other world—leaving us nothing worth enjoying here, excepting a few tomes of devotional poetry, which the gay world are tasteless enough to leave to the spiders and the dust. Notwithstanding, Mrs. Hemans produces frequently very sweet pieces, and not a few deserving great praise are scattered through the present publications. We speak more particularly of ‘The Breeze from Shore,’ p. 10, ‘The Distant Ship,’ 289, and ‘Corinna at the Capitol,’ 189, in the ‘Literary Souvenir,’ and ‘The Cliffs of Dover,’ p. 69, of the ‘Forget me Not.’

The latter publication contains *one tale* of very great simplicity, tenderness and beauty, it is the tale of 'Amba, or the Witch's Daughter,' by Mrs. Bowdich; and we think it is hardly too much to say that *that alone* is worth the price of the whole volume. From beginning to end there is not one exaggerated feeling—all is nature—wild, African nature—and has the freshness of a study from the life. Mrs. Bowdich can be no ordinary woman. Some parts of her exquisite little tale reminded us strongly of Elizabeth, and would hardly suffer in comparison. The wildness and the grandeur of an African forest, torn by the Tornado, and echoing with the roarings of the panther and the lion, are painted with singular energy and felicity; and the love-directed being who listens, from a venerable tree, to the tempest and commotion of the woods, excites in the breast of the reader an interest of extreme intenseness.

The *nom de guerre* of Mr. Washington Irvine attracted our attention to the first prose article in the 'Literary Souvenir,' and certainly we found it a pleasing little essay. But Mr. Irvine is a strange being. Born in a republic, living in an age when royalty is so *justly* appreciated, this ex-democrat industriously employs himself in heaping obloquy in all manner of ways on republican principles. Who would expect, under the name of 'The Contented Man,' to find insidious attacks on the French Revolution, which for forty years has been held up as a bugbear to frighten men from their attachment to Freedom? We apprehend that Mr. Geoffry Crayon, like his own Rip Van Winkle, has been sleeping for the last half century, and predict that his political principles will hardly outlive his body. It is disgusting to find mystification and falsehood, and what he says of France is no better, adroitly grafted into a little piece of this kind, designed for amusement, and not to awaken the violence of political animosity. We speak thus severely, because it is wholly unpardonable in a man like Mr. Irvine to foster the bigotry with which the ignorant in this country, and elsewhere, regard the awful lessons taught mankind by the French Revolution.

We pretend not to enumerate the many very excellent pieces of poetry which enrich both the 'Literary Souvenir' and the 'Forget me Not'; but we cannot avoid particularising two very beautiful ones in the former, 'Youthful Love,' by Mr. Pringle; and 'The Grey Hair,' by Mr. Watts, the Editor. These two pieces are among the very best the 'Literary Souvenir' has ever contained. They are entirely free from the vice of the age, and please the fancy exceedingly with their strokes of natural tenderness. The first "grey hair" on the head of beauty, has often, we believe, excited the reflections of philosophical lovers; we remember one instance; it is in the 'Lettres de Chevalier d'Her\*\*,' by M. Fontenelle, Part ii. Let. 54, (suppressed in the later editions.) The

lover, whose business of course it was to be witty and striking at any rate, is profuse in his compliments to the possessor of the white hair, who, perhaps, might after all have preferred wanting those compliments; as well as the cause of them. He tells her, however, that nothing, he is sure, but grief for the absence of some beloved swain could have given birth to that slight herald of the King of Terrors, (whose majesty he is much too gallant to allude to,) and observes that he would have been but too happy could he have regarded himself as the cause of that alpine thread, &c. Mr. Watts has managed the matter very differently, for that which the French gallant converted into a subject of merriment and refined banter, he treats more naturally as a solemn and somewhat melancholy affair, which, in fact, it is.

The illustrations of the 'Souvenir' are very much superior to those of its rival; and, although we cannot agree with the Editor in thinking them superior to those of last year, we very readily grant that several of them are very exquisite engravings. The landscapes are the best. That of the Devonshire vale, in which the Abbey of Buckfastleigh is seen standing in ancient majesty on the banks of a wild winding stream, is superlatively beautiful. Goodrich Castle, too, on the banks of the Wye, is a print of equal, or, perhaps, superior, merit. The scene is richer and more extensive; the little hills fold beautifully behind each other; wood and water bestow their united charms upon the landscape; and the aerial perspective is perfect. Next to these the most striking print is Alexander and Diogenes, from a drawing by Mr. Martin. Nothing can surpass the architectural magnificence of this artist, which is really sublime, but perhaps he is not so happy in his human figures; at least he is not on the present occasion. The groupe which contains the great philosopher and the conqueror is by far too small, and too far back in the picture, to be regarded as the principal object; though, it must be confessed, it is otherwise very well conceived. But the profuse grandeur of long aqueducts, towering trees, and sublime temples and palaces, invincibly carry away the attention from the figures, and, consequently, are the chief objects, though thrown into the back-ground, and introduced as accessories. The two other prints which we regard as good, are, "The Contadina," better designed than executed; and the "Girl in a Florentine Costume," directly the reverse. The Contadina's face does not at first strike, but grows lovely under the eye. The other represents a fine amiable face, sweet, but not beautiful.

The best things in the 'Forget Me Not' are, "The Mother's Grave," a very sweet little print; "Dover," equally good of its kind; "the Monument at Verona;" "the Castle of Chillon;" "the Place and Church of St. Mark, Venice;" and the lady's face in "First Love." But the expression diffused over the faces of the figures in this print indicates a happy conclusion; the letter-press

describes a most melancholy catastrophe. This is a fault in the book, though none in the artist.

Upon the whole, it would, perhaps, be unjust to expect that works of this kind could be got up better in any way. Good engraving is extremely costly—so is good writing. Here are nearly a dozen prints, some of a very superior kind, a number of prose articles, essays or tales, and a profusion of poetry of various merit, all for the small price of twelve shillings! What would we have more?

Since writing the above, two other works of the same kind—'Friendship's Offering' and 'The Amulet'—have been put into our hands. The opinion we have given above of the 'Literary Souvenir' and 'Forget Me Not,' will, in great measure, suit 'Friendship's Offering,' the principal contributors to them all being the same. It does not, perhaps, contain *so many good* pieces as the 'Souvenir,' but it contains a great number, among which there are some of peculiar excellence. The indefatigable female writers, Miss Mitford, Mrs. Hemans, Miss Landon, are here again. The first of these—*first* in every sense—has contributed two pieces, one in prose, the other in verse, which have very great merit. The prose piece entitled "Hay Carrying," is a beautiful tale, in the writer's happiest and chastest manner, and has so much simple pathos, that it cannot, we think, fail to beguile all feeling readers of their tears. It is a pity it was not chosen, instead of the ludicrous rhapsody of the author of "Gilbert Earle," to commence the volume. Nothing but the rage for variety could ever, we suspect, induce editors to give vagaries so ridiculous as "Agatha" a place in these tasteful and pleasing publications.

To return, however, to Miss Mitford: the other contribution of hers to which we alluded, is a dramatic sketch, entitled "The Siege." In this the dialogue, a little too prolix, is otherwise well managed; the sentiments are pleasing, because natural; and the denouement is highly agreeable. "The Brigand Leader and his Wife," and "Fading Flowers," by Mrs. Hemans, are very sweet pieces of poetry. Miss Landon has several pieces of considerable merit in her style, which happens, however, not to be to our taste. There is a fine sonnet on Netley Abbey, by Mr. D. L. Richardson, two of whose contributions to the 'Forget Me Not' we copy in another part of our publication; certain "Stanzas" also, p. 66., by Bernard Barton, *Esquire*, possess much merit; which we notice the more readily in that we can seldom approve of his hypochondriac muse. But we shall enumerate no more; let it be sufficient to say, that, upon the whole, it is scarcely inferior to any thing of the kind in its literary character, while it is, perhaps, superior to any in beauty of embellishment. "The Alpine Scene," "the Castle of Monaco," the "Brigand Chief and his Wife," "the Precipice," and "the Contadina dictating a love-letter to a Wandering Scribe in the



streets of Rome " have not been surpassed, as yet, by the engravings in any single volume of the ' Christmas Presents.'

' The Amulet ' is certainly very much inferior to ' Friendship's Offering ' and the ' Literary Souvenir,' and even to the ' Forget Me Not; ' but still it has very respectable articles both in prose and verse. It has, moreover, the names of Maria Edgeworth, and of Mrs. Opie, to recommend it. Its embellishments are of a much lower order than those of its rivals ; but, if its publishers hope for success, or hope to deserve it, they can remedy this another year ; for artists are not scarce, though their labours are, and should be, costly.

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#### ASPIRATIONS.

Oh ! that I were an airy thing,  
 To float the ocean spray ;  
 For ever, ever on the wing,  
 Still floating and still wandering  
 Away, away, away !  
 Wild as the billows of the sea  
 My ever-varying course should be.

I'd travel on—for ever on,  
 No pause, no peace, no stay ;  
 Now in the storm, now in the sun—  
 Nothing to seek—nothing to shun,  
 Away, away, away !  
 Where'er the drifting winds should blow  
 Where'er the restless waves should flow.

Why should the spirit be thus wild  
 That lives within this clay ?  
 Oh, Man ! thou art a wayward child,—  
 By every passing shade beguiled,  
 Away, away, away !  
 Thy wanderings never, never cease—  
 Thou ever wagest war with peace !

**MR. BISHOP BURNETT'S REPLY TO THE CAPE  
COMMISSIONERS.**

WE have read with much interest, the Reply which Mr. Burnett has just put forth to the Report of the Commissioners of Inquiry on the complaints addressed by this gentleman to Earl Bathurst, his Majesty's Principal Secretary of State for the Colonies. As the Reply could not be thoroughly understood without a statement of the passages in the Report to which it professes to be an answer, we cannot venture on an abstract of it; because the merit of the latter consisting in the analytical and detailed manner in which the charges of the former are investigated and refuted, it would be impossible to convey, in a brief space, a just expression of either. We can, however, confidently recommend the perusal of the whole to all who desire to form correct opinions on the matters in dispute, and to see displayed, in its true colours, the machinery of a Government Commission, its modes of operation, and the result to be expected from such an instrument applied to the investigation and reform of abuses, especially in a distant country. There are a few passages in the Preface of the work which depict this with so much force and accuracy, that we are tempted to transcribe them: and can only add, that the details given in the text of the Reply fully justify the terms in which the author introduces to his readers the composition, conduct, and influence of the body which he thus describes:

“ It may not be unadvisable, before proceeding to a refutation of this Report, to call the attention of the reader to the nature and general object of a Commission of Inquiry; because, by exhibiting these in their true light, a juster estimation will be formed of the real value of its proceedings; and in proportion to the integrity of its construction, will be the success or failure of the party impugning them. A Commission of Colonial Inquiry is the last resort of Government to elude investigation into the proclaimed abuses of a province, and the mal-administration of its Governor. When the cries of the oppressed and persecuted have at length reached Parliament, and redress is demanded with a voice too earnest to be slighted with impunity, the Colonial Secretary instantly lulls the storm with this effectual damper upon research: “ Ministers are about sending out a commission of inquiry.” It necessarily becomes invidious to urge the subject farther; this deprecation is irresistible; and adieu to investigation for a period of time, regulated, no doubt, in strict conformity to the magnitude and character of the matters to be examined; while the event, in ninety-nine cases out of a hundred, has proved, that the report of the commission instituted has been precisely accordant with the predictions and the desires of the ministry. But what is this commission in essence?

A sop to Cerberus, and nothing more. By whom are the commissioners appointed?—By the Crown. Who investigates and reports upon the issue of their inquiries?—A committee of the House of Commons. Now, what would the country think if that committee was appointed by the Crown also; or, in other words, if it was entirely constructed of members from the ministerial benches, could it possibly anticipate any result but one in unison with the wishes of Government? If, then, it would be considered preposterous to attempt the organization of such a committee, does it become less so to confide the more momentous part of the scrutiny to persons exclusively nominated and paid by that Government? And yet this monstrous anomaly has been a current practice, without reprobation or comment, up to the present hour. That men of sense should be deluded by so palpable a juggle, and repose that faith in the hired servants of a Government which they deny to the Government itself, is scarcely credible; nor can it be accounted for but in the presumption that few, when the result of the inquiry is published, have any surviving interest in its details. Time is no object with the commissioners; on the contrary, they amass fortunes by protraction. Their salaries and appointments are profusely, I may add, suspiciously, liberal. Years glide away; all the anxieties of patriotism abate with their lapse; new objects of interest are in agitation; the subject of inquiry is half in oblivion; and when the long-expected Report of his Majesty's Commissioners is at length brought forth, the greater part of its instigators are dead, or become indifferent. The mere commission itself, operating as a warning to the guilty, has decreased the influx of fresh complaint; and nothing more is heard but a few impotent reproaches from the victims of that persecution its authors were professedly delegated to scrutinize and denounce."

"It must be universally conceded, that the conduct of no delegation under the Crown requires more caution than that of a Commission of Inquiry; and especially where motives are supposed to be in operation, influencing the judgment to a bias. The actions and demeanour of the commissioners should invariably betoken neutrality, and the strictest impartiality in the pursuit of their inquiries. Have the Cape commissioners manifested these qualities? Assuredly not: but, on the contrary, their whole conduct in that colony has so evidently betrayed an inclination to screen his Lordship, that it could proceed from no other motive than a desire on their part, by a display of open partiality, to intimidate and repel the approach of evidence calculated to establish his malversation. The ostensible duty of such an appointment is to preserve secrecy as to its operations,—to receive all manner of intelligence, but to impart none,—to inspire confidence in its integrity,—and, above all, especially to abstain from intimacy or association with any of the parties involved in the scrutiny. The conduct of the Cape com-

missioners has been in diametric opposition to all these essentials : so far from maintaining secrecy, they have promoted publicity by imparting their own opinions to the examined ; these have been communicated again, necessarily exciting a curiosity to ascertain the merits of a testimony to which they were consecutive ; and hence his Lordship has been enabled to take a daily succession of hints, and supply a mass of frittering explanations against charges, on which two opinions could not otherwise have existed. On witnesses submitting evidence to the prejudice of his Lordship or his government, they have in some cases directly impeached their motives, using recriminatory language, and imputing constructions foreign to the intention, though lamentably deducible from the testimony. In other instances, they have actually rated parties approaching them with complaints ; and their whole bearing in the colony has been a tacit avowal to its inhabitants, that the paramount object of their mission is, in his Excellency's vocabulary, to ' walk him over the course.'

" I profess to be actuated by no greater share of probity than my neighbours, although my calumniators are in the daily commission of actions at which my principles revolt ; but I think, if I was a Commissioner of Inquiry into the conduct of a Governor charged with gross and fatal delinquencies, I should consider every *secret interview* I had with him would be, in the public estimation, an impeachment of my integrity ; and every glass of his claret that passed my lips a retaining fee for its prostitution ; and yet who have relaxed from the toils of business more frequently, or with more real delectation, than the Commissioners of Inquiry at the table of Lord Charles Somerset ? But there is one feature in their proceedings which puts the matter far beyond suspicion, and must convince the most prejudiced mind, that an *impartial* inquiry into the merits of the Governor's conduct at the Cape of Good Hope never has been the object of their mission."

" But, perhaps, a more conclusive proof of this disposition in the commissioners is to be found in their conduct to Colonel Bird, at the outset of the inquiry. This gentleman, after thirty years indefatigable service, found himself unavoidably at issue with his Excellency, and was *in consequence* dismissed from his situation of Colonial Secretary. Prior, however, to this event, the commissioners arrived, and one of their earliest acts was to intimate to Colonel Bird, that whatever information they might require connected with the colonial government, *they deemed it proper only to receive through the hands of Lord Charles Somerset!!!* This is absolutely terrible ; it presents an appalling picture of state-trick and delusion, enough to scare honour and honesty from the combat ; for how hopeless must be the struggle against power, when we find the very fountain-stream of justice polluted at the spring ! Here is the frightful picture of a colony, farmed out to a branch of the

aristocracy, groaning beneath the weight of his tyranny and malversation, till its cries ring throughout the world, and render the application of some remedy imperative upon the mother Government. Two men are delegated to institute a solemn inquiry into its abuses, and their first act, from motives too palpable to admit of disguise or extenuation, is to VIOLATE THEIR OWN INSTRUCTIONS! for the writ of privy seal distinctly says, "And we do hereby require our Governor for the time being of our said possessions at the Cape of Good Hope, and all and every our officers and ministers within our said possessions, and the dependencies thereof, to be aiding and assisting to you and each of you in the due execution of this our commission." Now, who throughout the whole colony could be so "aiding and assisting in the due execution of this commission" as Colonel Bird, the most important and influential servant of the Government, next to his Excellency himself? and yet the very initiatory act of his Majesty's commissioners, in the "due execution of their commission," is to *seal the lips* of that man from whom they could have derived more just information than from any other quarter in the colony."

In the hasty sketch of the Eastern News given in the Postscript to our last, the name of Mr. Charles Blair was inaccurately associated with that of Mr. Launcelot Cooke, as being about to return from this country to the Cape. Mr. Blair is still in office at Cape Town, as Collector of Customs; and it is to his arbitrary conduct that the severe and unjust treatment of Mr. Cooke (so powerfully detailed in the Memorial of that gentleman, published in a former Number of this Work,) is to be attributed. His continuance in office after such conduct, might be a matter of wonder if it had occurred in any other part of the world. But, after the indulgence shown to the chief offender, Lord Charles Somerset, the extension of the same forbearance towards his adherents and defendants cannot excite surprise.

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THE DESERTED MAID.—A SONNET.

*By D. L. Richardson.*

SHE once was beautiful,—but secret shame,  
Despairing love, and unavailing woe,  
Have wrought a fearful change. The ceaseless flow  
Of unregarded tears hath worn her frame,  
And made her heart a ruin. Still the flame  
Of quenchless passion lights her pallid brow  
With fierce unnatural radiance. Wildly now  
She seeks the haunts where first the false youth came  
With music-breathing vows. The forest bowers,  
The shelter'd valleys, and sequester'd streams,  
The mossy caves, and ivy-mantled towers,  
Oft soothe awhile the maiden's calmer dreams;—  
But ah! too soon o'er reason's fitful gleams  
The murky cloud of maddening frenzy lowers!

PART TAKEN BY COLONEL STANNUS IN THE AFFAIR OF MR.  
WARDEN AND SIR EDWARD WEST, AT BOMBAY.

*To the Editor of the Oriental Herald.*

SIR,

Tralee, Ireland, 16th November, 1826.

I HAVE just read an article in your Number of the 'Oriental Herald' for September last, purporting to be a correct statement of an occurrence at Bombay, and severely animadverting on the part which Lieutenant-Colonel Stannus is supposed to have taken in it. For the satisfaction of any of his friends, who may have received a painful or unfavourable impression of his conduct, from a perusal of this article, I feel myself called upon to request the insertion, in your next Number, of the following extracts from his own account of the transaction alluded to. I have the honour to be, Sir, your obedient humble servant,

ROBERT STANNUS, *Major, 29th Regt.*

[In order to render perfectly intelligible the detail I am about to give, it may be necessary previously to remark, that Colonel Stannus was requested by Mr. Warden to wait on the Chief Justice, for the purpose of endeavouring to ascertain what part of his (Mr. Warden's) conduct had given rise to the uncourteous behaviour of the latter towards him.]

"Finding that the Court sat very late, I addressed a note at about half-past five o'clock to Sir Edward, soliciting a few minutes private conversation in the course of the evening, if possible; but if not, at any hour he might find it convenient to appoint the next day. In reply to this I received a note from Sir Edward, stating his being unable to receive me at his own house, in consequence of Mrs. Parker's having come to reside there, after the death of her husband, but that he should be happy to see me at the Court-house at nine o'clock on the following morning, as he should be obliged to go into Court at ten. A little after the appointed hour I proceeded to the Court-house, and was ushered into a room in which Sir Edward was seated at a table, with Mr. Fenwick on his right hand. Sir Edward rose to receive me, shook hands, and welcomed me with the usual civilities. I apologised for intruding on his time, and expressed my regret that the Court had sat so late an hour on the preceding evening as to prevent my seeing him when he would have been more at leisure. After taking a seat, I begged to be favoured with a private interview, which he declined, saying that Mr. Fenwick was his friend, and Registrar (as I understood) of the Court, and hoped that what I had to communicate might be said in his presence. In this I acquiesced without hesita-

tion, and entered on the subject of my visit in the following terms : I stated that I had called on him at the request of my friend Mr. Warden, who felt hurt at his letter being returned unopened ; that however unfavourable might have been the original impression caused by the communication alluded to by Sir Edward on returning that letter, Mr. Warden had every reason to suppose that it had been long since removed, as the usual friendly intercourse had subsisted between the two families up to the present period ; that Mr. Warden therefore hoped that Sir Edward would explain the reason of this sudden change, (for which Mr. Warden did not feel conscious of having afforded the slightest grounds) ; and I added, that Mr. Warden would himself have written to Sir Edward on this subject, had he not been deterred by the probability that his letter would have been treated like the former one.

" Sir Edward then asked me, if I came as a friend of Mr. Warden ? I answered, yes. ' As a military man ? ' I said, certainly. Sir Edward then demanded whether, in the event of his declining to give any reply to the communication I had just made on the part of Mr. Warden, I was charged with any thing further ? I replied, ' No ; my sole object is to request that Mr. Warden may be informed of the cause of the alteration in your conduct towards him.' Sir Edward said, ' Very well ; ' and then called loudly for a tipstaff, on which two or three persons entered the room, and were directed by Sir Edward to take me away. On rising, I expressed my fears to Sir Edward that he laboured under some mistake with regard to this matter ; to which he replied, in a hurried tone, ' No, no, not at all.' I then accompanied the tipstaffs, under the idea of being immediately conducted to jail, but on reaching the door of the room, Sir Edward desired them to take me down stairs, and let me go."

Colonel Stannus thus concludes :

" The absurdity of challenging the Chief Justice will never gain belief, and I trust that what I have said will sufficiently prove to you, that such a foolish and even cowardly proceeding was never contemplated for a moment either by Mr. Warden or myself."

#### NOTE OF THE EDITOR.

We give insertion, most readily, to the statement here transmitted ; and beg to repeat, what we have so often said before, that as the pages of the '*Oriental Herald*' are open to all and influenced by none, we shall be at all times ready to prove the sincerity of our attachment to really free discussion, by admitting both parties on each side of every question to be fairly heard at the bar of public opinion, whenever this is practicable.

SUMMARY OF THE LATEST INTELLIGENCE FROM INDIA AND  
OTHER COUNTRIES OF THE EAST.

SOME ships have arrived from India since our last, bringing letters from Bengal to the latter end of June, and from Bombay to the beginning of July. The public intelligence brought by these arrivals is not important. The Burmese had, according to some accounts, again indicated a hostile disposition. By others, the permanency of peace is considered beyond all doubt. These "wily barbarians" as they have been called, had not, however, up to the date of the last advices, paid the second instalment of their stipulated tribute, after putting off the Indian Government with base coin and adulterated metal for the first payment. The English troops still remain, therefore, at Rangoon. But the King of Ava, it is said, held a high tone towards his subjects (as what king does not?) respecting the termination of the war; assuring them that it was an act of royal clemency on his part to permit these foreigners to depart from his dominions; and as he had understood them to be wretchedly poor, he had, in the fulness of his royal bounty, given a few lacs of rupees to pay their expenses home! In the mouth of a "barbarian" this sounds ludicrously enough; but, if he were more civilized, he might then be permitted, as his more polished brother monarchs are, to play the hypocrite with impunity; and while he invaded India to gratify his lust of wealth and power only, profess, after the manner of the Honourable Company by whom he has been despoiled, the most benevolent and philanthropic motives for every act of aggression he might commit.

The latest direct intelligence from Rangoon that we have yet seen is contained in a letter dated from that port, May 13, 1826, and inserted in the Madras Gazette of the 10th of June. It says:

"Mr. Crawford is appointed Envoy to the Court of Ava, and proceeds thither on the next trip of the steam-vessel *Enterprise* to Rangoon; she sails this day to Calcutta, and we may reasonably expect her in less than eighteen days, when we shall prepare for our trip to his Golden-footed Majesty's Court *à la mode grande* in the steam-vessel *Diana*, with all Mr. Crawford's suite, including an escort. The last, I presume, will consist of Europeans, as the Burmese have no very exalted opinion of the Sepoys, while they call the former *balties*, or a kind of demons which eat human flesh. The idea they have formed of the European troops is truly pleasing to an English soldier's heart,—they say they are invincible. Sir A. Campbell arrived here in the *Enterprise* on the 6th, and landed with all the honours due to Scotland's pride.

"We shall probably eventually leave this about the beginning of June, which is the most favourable period. The trip would be preferable by land, were it possible to make it; but unlike southern and western India, the nullas are too numerous and destitute of ferry-boats, even in the short distance to the capital. The number of emigrants from this place is incredible. The despotism of the Burmese Government is such that its subjects are flying away as quick as they can into the English territories.

"The troops are embarking as quick as possible. All the prisoners are



released, and, from what I hear, the treatment they received was very hard. Mr., rather Dr. Price, an American missionary, who was one of them, went to Calcutta with a fellow-prisoner of his, Mr. Gouger. Both have now returned; and the former is gone to Ava; he left this the day before yesterday. Dr. Judson, Mr. Laird, and all the prisoners, are now at Rangoon; 250 sepoy and other followers of the army and the flotilla came down from Ava the other day. I shall in my next send you a detailed account, when I have received it from one of them, who has promised it to me."

The official recognition of the services rendered to the State by the Commander-in-Chief of the Indian Army, and the brave officers and men whom he led to the assault of Bhurtpoor, has appeared in a General Order of the Bengal Government, bearing date the 12th of April 1826, and issued on the occasion of his Excellency, Lord Combermere, returning from the western provinces of India to the Presidency of Calcutta. The following are the terms in which that Order is expressed:

"The official despatch, from his Excellency the Commander-in-Chief, dated Bhurtpoor, 19th January 1826, has been already published in the General Order issued from the Political Department, on the 29th January last; in that report the Right Hon. Lord Combermere expressed in appropriate terms the applause due to the officers and troops who have conquered under his Lordship's command, and that authentic and honourable testimony derives a value from his high authority and personal cognizance, which it could have obtained from no other quarter. The Governor-General, in Council, will not, however, deny himself the gratification of seizing the opportunity now presented, whilst publicly offering his thanks and congratulations to the Commander-in-Chief on the successful close of the campaign in Upper India, of, at the same time, repeating in the name of the Supreme Government, the well merited encomiums and acknowledgments bestowed by his Excellency on those individuals who specially entitled themselves to the honour of his notice and commendation.

"The eminent merits and services of Majors-General Reynell and Nicolls, during the whole course of the operations against Bhurtpoor, the excellence of the dispositions made by them for the assault, and the firm undaunted manner in which those dispositions were carried into execution, justly form the theme of the Commander-in-Chief's applause and admiration; and the Governor-General in Council has already communicated to those distinguished officers, through his Excellency, the sentiments of approbation and gratitude with which the Government contemplates their bravery, skill, and judgment.

"The judicious arrangements and gallant exertions of Brigadiers-General Adams, C.B., M'Combe, and Edwards, at the head of their brigades; and of Brigadier-General Sleigh, commanding the cavalry; as also the zeal, science, courage, and patient endurance of fatigue displayed by Brigadier M'Leod, C.B., Brigadier Anbury, C.B., Captain Irvine, Major of Brigade of Engineers, with every officer and private of the artillery, sappers, miners, and pioneer corps, on whom necessarily devolved so large a portion of the most laborious and important duties connected with the siege, have been specially adverted to, and warmly acknowledged by the Right Hon. Lord Combermere. His Excellency has also expressed his cordial thanks to Brigadiers Whitehead, Paton, C.B., and Pagan, of the infantry; Brigadiers Childers and Murray, C.B., of the cavalry; and Brigadiers Sletzer and Brown, of the artillery service; and to Lieut.-Colonel Delamain, 58th N.I.; Lieut.-Colonel Wilson, commanding a detachment; Majors Hunter, 41st N.I.; Everard, H.M.'s 14th; Fuller, H.M.'s 59th; and Bisshopp, H.M.'s 14th; they are stated to have performed the duties allotted to them in the ablest manner, and to have taken ample advantage of every opportunity which occurred for signaling their zeal and

devotion. The Right Honourable the Governor-General, in Council, has now to record his full concurrence in the well-merited eulogium pronounced by the Commander-in-Chief, on the services and good conduct of the whole of the above officers and departments, and to offer to them the express on of his warmest approbation and thanks.

"To his Majesty's 14th regiment, commanded by Major Everard, and 59th, commanded by Major Fuller, belongs the proud distinction of having led the column of assault on the memorable 18th of January; the gallantry, order, and steadiness, evinced by those corps was equalled by the conduct of a detachment of the European regiment, leading a small column under Lieutenant-Colonel Wilson. Among the Native corps, who emulated the example of their European comrades in arms, and proved themselves worthy of the distinguished places which they held, his Excellency the Commander-in-Chief has enumerated the following, viz : The 6th regt. of N.I., commanded by Lieutenant-Colonel Pepper; one wing of the 41st, by Major Hunter; the 23d, by Lieutenant-Colonel Nation; the 31st, by Lieutenant-Colonel Baddeley; the 60th, by Lieutenant-Colonel Bowyer; the grenadier company of the 35th, the light company of the 37th, and the Simore battalion.

"The services of Lieut.-Colonel Skinner, and the two regiments of Native irregular cavalry under his command, have been prominently noticed by his Excellency the Commander-in-Chief; and his Lordship, in Council, has much satisfaction in adding, that the efficient manner in which that brave and meritorious officer is stated to have performed every duty intrusted to him during the operations against Bhurtpoor, augments his claim to the favourable consideration and high estimation of the Supreme Government.

"The Governor-General in Council has great pleasure in knowing, that the officers of his Excellency's and general staff, Major-General Sir S. Whittingham, Quartermaster-General; and Lieutenant-Colonel McGregor, Acting Adjutant-General of the King's troops; Lieutenant-Colonel Watson, and Lieutenant-Colonel Stevenson, Adjutant-General and Quartermaster-General of the Army; Lieutenant-Colonel Cunliffe, Commissary-General; and Lieut.-Colonel the Honourable J. Finch, Military Secretary, have entitled themselves to the honour of his Excellency's public thanks and acknowledgments. The value of such commendation will be duly appreciated by those several officers, and will constitute the most grateful reward of their zealous, honourable, and meritorious exertions in the service of their country, and of the East India Company.

"In testimony of the peculiar honour acquired by the army under the personal command of his Excellency the Right Honourable Lord Combermere, during the late campaign to the westward of the Jumna, the Governor-General in Council is pleased to resolve, that all the corps in the service of the Honourable East India Company, whether infantry or cavalry, who were employed at the siege of that celebrated fortress, shall bear on their regimental colours, the word 'Bhurtpoor;' and his Lordship in Council will take measures for submitting, through the proper channel, to his Majesty's gracious consideration, that a similar distinction may be granted to his Majesty's regiments."

The papers from Bombay, of the end of June, mention a rumour that Runjeet Singh, the great Mahratta Chieftain, was dead, and add, that a contest had already commenced between two of his sons, who each disputed the right of the other to the throne. If this be true, and it is at least highly probable, it will be a fortunate diversion of the Mahratta power, especially at the present juncture, when the approach of the Russians towards Persia might have led to other alliances, and more unfavourable results. The following detailed account of the state of affairs in those quarters,

evidently written by one well qualified for the task, though repeated in the papers of the day, deserves preservation here :

" The Russian army of the Caucasus is under the command of the General Yeronoloff, a brave and indefatigable officer, and who has, for his second in command, a General Williaminoff. The head-quarters of the army is at the city of Teflis, the ancient capital of Georgia, and the Government of which city is administered by an officer of the name of Von Howen, a German by birth, and who is a general officer in the Russian service. The army of the Caucasus is variously stated in regard to numbers, but may, probably, be set down as amounting to 80,000 men ; and they are certainly among the finest troops in the Russian service, being for the greatest part composed of the troops that were at Paris with the Emperor Alexander, and who, conceiving most probably that they had imbibed, during their residence in France, *too many free ideas*, sent them to Georgia, to be as much as possible out of the way. Though the pay of the officers is much superior to that of the rest of the Russian army, they are very far from being satisfied, as they look on their service as a kind of banishment ; the chief of the Etat-Major is the Colonel Kotzebue, an officer of the engineers, and son of the celebrated German author. The staff of the army is very numerous, and among it is a number of Georgian Princes and men of rank of that country, whom the Russian Government is particularly careful of attaching to its interests, and who are often intrusted with the command of the most important posts on the frontiers of the Russian and Persian dominions.

" That part of Persia nearest to the Russian possessions, is the province of Erivan, which is under the dominion of an officer named the Sardar—a powerful and warlike prince, as he may be justly considered, and who, though in a manner subject to, and tributary to the Shah or King of Persia, is of a very independent and spirited character, and can be just barely said to acknowledge the Persian monarch as master.

" The Sardar of Erivan resides at the town of the same name, a strongly fortified place, and which the Russians will long have to remember with regret, they having, in former wars, been several times repulsed in their attacks on it, with heavy losses.

" The present Shah or King of Persia is named Futtu Ali Shah, a middle aged man ; but much debilitated in health and constitution : his eldest son, and who may be considered as Prince Royal, which title is often given to him, is named Prince Abbas Mirza, a sensible, and for a Persian, a well-informed and liberal-thinking man, and possessed of a warlike and matchless spirit : the usual residence of the Prince is at Tabreez, or Tauris, a strongly fortified town, and whose population is stated at 70,000 or 80,000 souls.

" It may be remarked here, that the name of Mirza is very differently understood, according as it is placed before or after a name : in the latter case it signifies a prince of the blood-royal ; and placed before signifies nothing more than the English appellation of Master, or the French Monsieur.

" The Persian ambassador Abool Hassan, who was in England some years since, was, by the Persians, called Mirza Abool Hassan ; but since his return to Persia the King has honoured him with the title of Khan or General ; he therefore, has dropped the title of Mirza, and is called Abool Hassan Khan, the title, in that country, being invariably placed after the name. This personage is now in a high confidential situation near the King's person, who appears to hold him in high estimation.

" There are very few Europeans at this time in Persia, and those chiefly English. The present resident at the court of that country is Major Macdonald Kinnier, an officer in the service of the Honourable East India Company, and whom the King of Persia, after a good deal of hesitation, agreed to receive as resident on the part of the Company, he being extremely desirous that one should be sent direct from the King of Great Britain. Captain

Henry Willock, an officer in the Company's service, acts as secretary of legation: this is the same officer who formerly held the situation of Resident, and to whom the King of Persia behaved so exceedingly ill—indeed, so much so, as to compel Captain Willock to return to England at the time he held the situation of Resident. Two medical officers of the Company's service, Drs. Cormich and Macneill, reside at Teheran and Tabreez, the former place being now the capital, or rather the residence of the Persian King, being a paltry miserable town, chosen by the King for his abode, while Ispahan, the real capital, is left abandoned, and going rapidly to decay.

"Besides the above English officers, a Major Willock, of the Company's cavalry, resides at Tabreez, and a Captain Hart, of one of the King's regiments, which was lately on duty at Bombay, is now at Tabreez, and has the sole command of the army of Prince Abbas Mirza, which he has brought to a high state of discipline in the European manner. At Tabreez, also, resides an Englishwoman, a native of London, the daughter of an eminent gun-maker, who is married to a Persian of the name of Mahomet Ali, who was sent to England some years since by the Prince Abbas Mirza, to learn some of the English mechanical arts, and who since his return to Persia has been intrusted with the superintendence of the arsenal of the Prince, who has also in his employ a Scotsman, formerly a private in the royal artillery, who accompanied Sir Gore Ouseley in his embassy to Persia, and who superintends the construction of the carriages for the artillery, and the casting of brass ordnance.

"Some Italian officers are with the army of the Prince Abbas Mirza, and not a few Russians are also in the ranks of the army; who preferring the religion of Mahomet to that of the Greek church, and the indulgence of having *more wives* than they could have at home, have thought fit to change both their allegiance and their religion.

"The Persians are, in appearance, attached to the English, and dislike the French nation. A Dr. Schultz is now in Persia, on a four years' residence, having been sent out by the French Government for that length of time, at its expense. He is a Prussian by birth, and his object, at least his real one, for his visiting that country, is not accurately ascertained.

"Major Monteith, of the Madras Engineers, is also at this time in Persia, which he is making extensive surveys of, for the information of the East India Company."

The following piece of information, on a subject closely connected with the former, may also be appropriately introduced.—These secrets of State ooze out from time to time, and are not without their value, as lessons of history and human nature, even when they are tardy in their appearance.

"A Russian Journal has just published the following letter (never before printed) addressed by the Emperor Alexander to the Armenians inhabiting Georgia, which at the present moment is very interesting:

"To our dear, faithful Armenian people, of all classes, inhabiting Georgia, greeting:

"We have learned with entire satisfaction, from the report of our Commander-in-Chief in Georgia, the new proofs of sentiments of loyal gratitude which animates all classes of the Armenians inhabiting that province, for the paternal care which we bestow on them. They have proved these sentiments of their inviolable fidelity on all occasions.\* By their exemplary firmness and devotedness they have distinguished themselves at a time when malevolence and inconstancy were endeavouring to trouble the tranquillity which we had restored in Georgia. Under the most gloomy circumstances, they remained unshaken in their zeal for us and our throne; they sacrificed to the good of

our service, and the general advantage, their property, and even their lives. This zeal of all classes of the Armenians in Georgia, and their services done to us, impose upon us the agreeable duty of giving to them, before the whole world, the assurance of our gratitude and good will. May this act be remembered by the latest posterity for their honour. We assure them of the continuance of our Imperial favour.

"Given at our head-quarters at Toplitz, in Bohemia, 15th (27th) September, the year of our Lord 1813, and the 13th of our reign.

(Signed)

"ALEXANDER."

'The Emperor of Russia, seeing the facility with which his Mohammedan subjects on the Persian frontier may be withdrawn from their allegiance, or desiring to promote the happiness of both the Mohammedan and Pagan tribes under his sceptre, by giving them a better faith, has held out a strong inducement for their conversion to Christianity. Any believer in Mohammed or in idols, who embraces the religion of the Cross, is henceforward to enjoy the privilege of being enrolled in any Christian corporation he chooses, and to be exempted from the imposts which he paid as an infidel. Besides this, he is to enjoy exemption from all taxes for three years, and may thus save his soul and his money together. All the new converts are to be relieved from the conscription, or from payment of the contingent to raise recruits. There are besides other advantages promised of less importance.'

The India Company order things differently. They *profess*, indeed, as loudly as the Emperor Alexander, their desire to spread the light of the Gospel in the East. But, they pursue a strange mode of effecting it, for instead of the encouragements held out by the Russian Emperor to Mohammedan converts, they inflict *disabilities* on Hindoos and Musulmans embracing the Christian faith; it being a rule in most of the public offices, if two candidates for employment, equal in all other respects, but one a Christian and one an Infidel, should apply for a place, to give it in preference to the *unbeliever*, from an avowed greater confidence in his integrity!!

The letters which have reached us from India on particular topics, we have recently published, and shall continue to do, under their respective heads, rather than incorporate them with our Summary of General News, except in cases where it is desirable to accompany them with comment—when we may give the substance or extracts from such letters in this place. One of this latter description has reached us from Bombay, addressed not to us directly, but to a gentleman on leave of absence from that Presidency, with permission for us to use its contents, which may, we believe, be relied on for their accuracy. The facts disclosed in it are curious and interesting, and as we shall have to offer a few remarks on it, we prefer inserting the principal portion of the letter here. It is dated Bombay, July 1, 1826, and was received by the *Elphinstone*. It is therefore one of the latest from that quarter. The writer, addressing his friend, says :

"The Press is the grand theme of declamation at present in India, from the wise men of Leadenhall-street having, in a despatch of December last, prohibited their 'Civil, Military, Medical, Clerical, or Marine Servants, from being connected with newspapers as sharers, proprietors, or editors' after six months' notification. The despatch reached this in May last, and had been prepared at the India House on the 30th of December 1825, just within four weeks after Mr. Warden's Manifesto appeared in the 'Oriental Herald,' on the 1st of the same month. Mr. Warden is most indignant: he has been offered 8,000 rupees for his share of the 'Bombay Courier,' which cost him 40,000 rupees; he has applied to Government to relieve him, but his application has been, I understand, sent home.

"The proprietors of the 'Courier' have applied collectively for two years to withdraw from their concern in that paper. As Government cannot set aside the peremptory order of the Honourable Court, which limits the period to six months, their application for an extension to two years has been negatived.

"They have now come forward with a proposition to Government, offering to print circulars, &c. &c., much cheaper than they formerly did, and soliciting that the lithographic press may be given up, as the interest of the proprietors of the 'Courier' has suffered materially since the establishment of the lithographic press! That may easily be accounted for. At the first year's balance of the account of the lithographic press, the profits (calculating the work done, at the prices charged by the proprietors of the 'Courier') exceeded 20,000 rupees, after deducting the cost of the lithographic presses sent from England. That the proprietors of the 'Courier' should lose by such an establishment is no surprise: but that a member of Council, and the Company's Accountant-General, should so far forget their duty as to make such a proposal to Government is proof sufficient, that the right of proprietorship has been long enough in the present sharers of the 'Courier.'

"When Mr. Bell was in Council. Mr. Warden, Chief Secretary, and Mr. Wedderburn, Accountant-General, all proprietors of the 'Courier,'\* it was then that they divided their 20 and 30 per cent. on the concern; but now, when the facilities of ordering printing to any amount, and passing bills for printing charges, (the profits of which went into their own pockets,) has been withdrawn, and the shares of the 'Courier' Press have fallen from 40,000 rupees to 8000 rupees, the proprietors of the 'Courier' come forward and claim compensation for their loss, in being compelled to sell out! Will the Honourable Court grant them compensation? If they do, the way they formerly treated Mr. Buckingham was downright robbery!"

Here is indeed a pretty specimen of the disinterested functionaries of India, and their guardianship of the public interests at the *sacrifice* of their own! When Lord Hastings first removed the censorship from the Press in Bengal, Mr. Elphinstone, then newly appointed to the Government of Bombay, received, and apparently with great willingness accepted, the praise of the friends of freedom in India, for his voluntary adoption of the Marquis's policy at Bombay. Those who knew nothing of the secrets that have since come out, lavished, in the simplicity of their hearts, encomiums on Mr. Elphinstone for his thus inviting scrutiny on his own conduct through an unfettered press. But the cautious, and we must add, cunning Governor was perfectly safe in affecting to invite what he

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\* Mr. Bell, Mr. Warden, Mr. Wedderburn, Mr. Crawford, and the editor, Mr. Adam, are the registered proprietors at present.

knew would never come. The press was as effectually fettered without a censorship, for all *his* purposes at least, as it could be with it. His personal friend, and chief secretary, Mr. Warden, was the principal *proprietor* of the principal paper in the island; and while Mr. Elphinstone, as Governor, continued to the chief secretary's paper the large profits of the Government notifications, advertisements, &c. to the great comfort, no doubt, of Mr. Warden's heart when he divided his profits at the end of the month or quarter, Mr. E. might be pretty secure against any severe scrutiny which would lessen the amount or endanger the safety of the chief secretary's snug dividends from this honourable source. It was only when the press was to be used as an engine against an honest and upright Judge, who dared to call in question the infallibility of the Government, that Mr. Elphinstone and Mr. Warden (then become a Member of the Council, and an official colleague of his personal friend) consented to let loose the powers of the press, through the instrumentality of the barristers opposed to the Judge, to bring disrespect on that tribunal which it was their especial duty, as well as that of every honest man, to protect and uphold. The exposure of their conduct on that occasion has not been without its benefits; for there can be little doubt but it was this which led to the order of the Court of Directors prohibiting the connection of their public servants abroad with the press—an order sufficiently absurd because of its entire inefficiency and liability to complete evasion: but unquestionably originating in just and unexceptionable motives. Encouraged by this benefit—for every thing which sets the conduct of corrupt and despotic rulers in its true light *is* a benefit—we shall proceed in the same course, and on all occasions that may be available, let in new lights upon matters hitherto veiled in official and impenetrable mystery.

To revert to the closing portion of the letter from Bombay: what can possibly be more unjust than an outcry, raised by the present proprietors of the 'Bombay Courier' as to the injury done them in a pecuniary sense, by the cessation of gains which were from the first unlawful, and contrary to the oath taken by the civil and military servants of the Company, not to engage in trade or commerce without the express permission of their masters? It was on this ground that the great Agency Scheme projected by Mr. Trotter in Bengal, by which the members of the service were simply to become the managers of their own estates, was put down. And what is trading in the profits of a public newspaper, but an equal violation of the same engagement?—more especially when, from the official station of the parties, as in the case of Mr. Warden, they may augment those profits to any extent by the framing notifications and advertisements for the columns of their own papers, officially directing their insertion, and charging them almost at their own price; while all profit so made must be at the expense

of their Honourable Masters, who have to defray the cost ! These too are the same men, who saw nothing wrong in the *total* destruction of the 'Calcutta Journal,' and the entire ruin of its chief proprietor, without his having ever contravened any law, or violated any oath or engagement ; yet now, when, in consequence of their having done both these, they have six months given them to sell their property to the best advantage, and can, most readily, transfer their shares to other nominal holders, without a greater breach of faith than they had already made when they first purchased them, they call upon the Government to *indemnify* them for the loss they pretend they shall sustain by the diminished value of their unlawfully held and unlawfully acquired influence and gains, from the double use, political and pecuniary, which they made of the press, to crush and ruin others, and to eulogize and enrich themselves ! If they *are* indemnified, (which we can never bring ourselves to believe they will be,) their masters will be as unjust as themselves ; but whether they may be or not, cannot at all affect the previous character of the undoubted plunder and spoliation which was committed by the Indian Government upon the proprietors of the 'Calcutta Journal,' and which will remain a stigma and reproach upon their annals, until that plunder is refunded, and the evils it has occasioned redressed.

While we are on the subject of the Indian Press, we shall take occasion to show how capricious and unjust must be a system, where all is placed at the mercy of some one irresponsible tyrant ; and to what lengths such a tyrant may permit his minions to lavish abuse even on personages higher than himself, and expressly protected from all animadversion by the regulations of his own council, provided the licentious censors of others only flatter and fawn on his immediate satellites and himself.

As a proof of the license with which, under the present capricious system, one public writer may commit the most direct violation of fixed rules and regulations, for a mere *constructive* disregard of which, another writer may be utterly ruined—we need mention only the following fact. The very first clause of the restrictive regulations for the Indian Press expressly prohibits the following topics, under the penalties there unto annexed.

"The publication in any paper of matter coming under any of the following heads, (whether originating in India, or republished from English Papers,) will subject the proprietors to be deprived of the license under which such paper may be conducted.

"1st. Defamatory or contumelious reflections against the King, or any of the members of the royal family.

"2d. Observations touching the measures or orders of the Court of Directors, or the public authorities in England connected with the Government of India."

There is now scarcely a day passes in Calcutta without these, and almost all the other restrictive clauses being violated by some one



Editor or another. But, after having exhibited in some of our previous Numbers pretty striking proofs of the utter disregard of the *second* clause, by the Reverend Dr. Bryce, and his advocatés in the 'John Bull of the East,' we give the following, as an equally striking specimen of entire disregard of the *first*—from the 'Bengal Hurkaru,' of November 26, 1825.

After giving an analysis of the article in the 83d Number of the 'Edinburgh Review,' on the Catholic Question, including the severest censures on the Duke of York for the memorable speech delivered by his Royal Highness in the House of Lords on a recent occasion, and still seen in the shop-windows of the loyal booksellers of London, printed in letters of gold—this speech is thus characterized in an Indian paper, published within a few yards of the Government-house at Calcutta, and with this restrictive clause, which prohibits any disrespectful allusions to *any* member of the Royal Family, staring the Editor in the face :

"This, let us remind the Duke of York, is the profession not of a wise, but of an unwise man ; it betokens no strength of understanding, but rather a degree of weakness bordering on incapacity. Unless he is absolutely infallible, which we doubt whether even the Bishop who affirmed the King's perfection, will assert of an heir presumptive, to pronounce that he never will change his opinion on any great subject, is the greatest folly imaginable. And if he fancies that greatness of mind is best evinced by an obstinate adherence to every opinion he may at any time have adopted, we will show him, in every cell of Bethlehem Hospital, men to the full as magnanimous as himself, who would suffer martyrdom rather than give up an iota of the delusions that form part of their nature—so much for the sense of this declaration ;—now for its constitutional propriety. He utters an asseveration, under *sanction of an oath*, that in every station (meaning plainly when he shall be king) no power on earth shall make him act on any other views than those he now entertains ; that is, in short, that if both Houses of Parliament, and *all* his counsellors, and *all* his people, were to present to him the Emancipation Bill, he would at once refuse his royal assent, at all hazards to himself, his crown, and his kingdoms ! Does he reflect that he is, if ever, only to be *king of a free people* ? This is a pithy question, and more easily asked than answered : the declaration may be quite in character in a king, but most egregiously blinded by bigotry and the spirit of party must that man be, who, ranking as a *subject*, (as the constitutional and legal phrase runs for English freemen,) does not see that this speech is spoken in a spirit of the *purest despotism*, and contains the very quintessence of *self-conceit*, *arrogance*, and *arbitrary wilfulness*, lurking under the guise of *an honest frankness and conscientiousness*."

As a contrast to this passage,—than which it is difficult to conceive a more direct and open censure of a personage especially protected by the prohibitory restrictions on the India Press, but the writer and printer of which received no reproof from the Indian Government for their conduct,—it may be well to reprint here the short queries addressed to the Editor of the 'Calcutta Journal,' which was characterised by the Indian Government of that day, as a *gross and wanton attack* on the late Bishop of Calcutta, as a *daring violation* of the rules laid down for the guidance of the Indian Press, and which has been called in the India House, in Parliament, and elsewhere, an *indecent*, and even *atrocious libel* on a sacred and dignified personage. The queries were as follows :—

"Can a military chaplain, fixed at a station where two King's regiments are posted, besides numerous other corps and departments, which might occupy two clergymen generally, and whose duties therefore, when alone, require his constant presence, absent himself from the station without leave from the commanding officer?"

"At this sickly season, his presence with the dying in hospital, and to inter the dead, sometimes six or eight per day, is urgently required, and cannot decently be dispensed with, independent of the impropriety of also interrupting the proper observance of the Sabbath for two or three Sundays successively, where so large a body of Christians are residing.

"It is asserted (*but I conceive erroneously*) that the chaplains have received orders from the Lord Bishop of Calcutta, not to make themselves amenable to any military, or other local authorities, and therefore, when a young couple at an out-post prefer going to the expense of making the clergyman travel 250 miles to go and marry them, he is at perfect liberty to accept the invitation, and to leave 3,000 other Christians, his own parishioners, to bury each other, and postpone all other Christian ordinances until his tour is completed, which, in this instance, occupies, I understand, more than three Sabbaths.

"In consequence of one of these ill-timed matrimonial requisitions in December last, the performance of divine service, and other religious observances of the season, were entirely overlooked at Christmas, which passed by for some Sundays in succession, and Christmas-day included, wholly unobserved.

"It would appear, therefore, to be highly expedient, that no military chaplain should have the option of quitting the duties of his station, from any misplaced power vested in him by the Lord Bishop, unless he can also obtain the express written permission of the local authorities on the spot to do so, and provided, in all such cases, the season is healthy, and no one dangerously ill, and that he shall unerringly return to the station before the Sunday following, that divine service may never be omitted in consequence of such requisitions."

The publication of these simple queries drew down on the head of the Editor the severest denunciations of displeasure from the Government of that day, including many of the individuals who compose the Government of the present; and such was the anger excited by the most respectful attempt to explain the motives and meaning of the queries proposed, that it was followed by this memorable declaration, addressed in an official letter to Mr. Buckingham:

"I am thence, Sir, instructed to give you this intimation. Should Government observe that you persevere in acting on the principles which you have now asserted, (namely, that "a temperate and moderate discussion of inconveniences arising from local practices might be productive of public benefit, without infringing on the respect due to the public characters of those whose attention to the reform of such evils was particularly invited,") there will be *no previous discussion* of ANY case in which you may be *judged* to have violated those laws of moral candour and essential justice, which are equally binding on all descriptions of the community. You will be at once apprised that your license to remain in India is annulled, and you will be required to furnish security for your quitting the country by the earliest convenient opportunity."\*

Let the reader observe the result of all this, and he will form some idea of the monstrous injustice by which the proceedings of the Indian Government has been characterized, as it regards the

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\* Letter of Mr. Secretary Bayley, dated July 17, 1821.

licence of the Indian Press, and their conduct towards the several individuals engaged in conducting it.

1st. The successive editors of the '*John Bull*,' to the number of six, in the space of little more than as many months, were almost all promoted to places of honour and profit, after serving a short period in the editorship of this organ of power, the paper itself openly patronized by the Government, and every possible favour shown to it, although it not only violated daily the restrictive regulations imposed professedly on all the papers alike, but was publicly convicted, in an open court of justice, of publishing libels characterized by a British judge, Sir Francis Macnaghten, as being "too atrocious to be even thought of without horror." And when the reputed writer of these libels, the Rev. Dr. Bryce, was rewarded by Mr. Adam with an appointment to be clerk of stationery, the Government of India resisted even the orders of the Court of Directors and Board of Control for his removal, and kept him in his place in defiance of both these authorities, till at length the reverend divine, to save the disgrace of the dismissal which had been so long delayed, but must have come at last, resigned. He is now acknowledged sole proprietor and manager of this same paper, the '*John Bull*,' which still continues to violate with impunity the rules which all others are expected to obey; and yet the paper is not merely unsuppressed, but, as far as we can learn, unreprieved, and even supported and patronized by the Indian Government as much as ever.

2nd. The editor of the '*Calcutta Journal*,' who continued to be the conductor of that paper for five years, who was opposed by all the open influence of Government and all the secret intrigues of its principal functionaries, yet who was never once convicted of libel, private or public, was first threatened with banishment for the harmless queries respecting the duties of chaplains (which is not a thousandth part as much in violation of the restrictive rules for the Indian Press as the censures on the Duke of York); and next actually transported without trial for alluding to the impropriety of the appointment of Dr. Bryce to a place, for which he was so unfit that he was instantly ordered to be removed from it by the authorities at home, as soon as they knew of his appointment.

Dr. Bryce is, however, still in a full career of wealth and favour, uninterrupted in his professional duties, and allowed to conduct a quarterly magazine and a daily newspaper under the patronage of the very Government whose regulations he has so often broken, and whose orders he has so often resisted and defied.

The Editor of the '*Calcutta Journal*' has been not merely banished and his paper suppressed; but he himself plundered of all he possessed by the measures of this same Government, and is still refused by the authorities at home, not merely redress for the injuries of the past, but also the means of returning to the

country, to make, for himself, some reparation of these evils, by his labours and exertions for the future.

Whatever the present age may think of this, posterity, for whose judgment it is now treasured up in secure and lasting records, will not fail to pronounce it one of the most tyrannous and iniquitous abuses of power that was ever witnessed, even in the dark and blood-stained annals of the East.

To show how differently the acts of oppression and spoliation practised in the King's Colonies (which it is the constant endeavour of the India Company's advocates to represent as much worse governed than their possessions in the East) are treated by the authorities at home, we have already recorded the restoration of the printing materials of Mr. Greig at the Cape; those of an injured editor in New South Wales; and another in Canada; with permission for each to return to their respective countries, and pursue their occupations unmolested, in spite of the arbitrary power by which they were originally removed. We have now to add to these examples of injuries redressed, the following, which we gather from the papers of the day. Let the reader peruse it, and judge for himself whether the India Company must not be heaping coals of fire on its own head, by permitting the accumulating wrongs done to injured individuals by its distant servants from being the *only* class of oppressions to which all hope of redress is denied. The following is the passage :

"Demerara papers to the 28th of September mention a great sensation produced in that colony by the despatches received from England on the 20th, containing the official intelligence that all intercourse between the British West Indies and the United States of America was to cease on the 1st of December.

"Mr. Stevenson, the proprietor of the '*Guiana Chronicle*,' suppressed by the Governor, Sir B. D'Urban, had returned to Demerara after his successful voyage to England, and, armed with authority from his Majesty's Ministers, had recommenced his publication—the arbitrary act of his Excellency being completely discountenanced by the Government at home. His property and printing materials were restored to him forthwith."

The intelligence from other parts of India is not very favourable. In Java very great difficulties have been experienced in consequence of the rebellion of the natives, and the difficulty in which the Dutch Government finds itself, from its inability to put down, either speedily or effectually, so powerful an insurrection. The latest intelligence from this quarter is obtained from the Flemish Papers; and adds the account of new disasters to augment those in themselves already sufficiently terrible. An article, dated Brussels, Nov. 18, says :

"We learn, by the accounts from Batavia, that on the 9th of July, a fire broke out in that city, which consumed 180 houses, and it is feared that two children, who could not be found, had perished in the flames."

"Within the memory of man there has not been felt such severe cold as Batavia and Samarang, as was felt there at the beginning of July this year ;

there were some days in which the thermometer of Fahrenheit, which is generally at 86 degrees, at noon, and seldom less than 80 after sunrise, fell in the morning to 54 degrees."

"The Commissioner-General of our East India possessions continues to adopt measures of economy in all the branches of the administration. With this view his Excellency, by a resolution of the 6th of July, has ordered that the establishments on the west coast of Borneo shall depend on the residencies of Pontiniak and Sambas, on the subordinate residency of Mampauwa, and the division of Landak, the chief of which shall bear the title of Resident of the west coast of Borneo."

"A decree of the 26th of July increases the postage of letters and the prices of post horses, and organizes the administration of the posts."

"News had been received in India, in 1825, that two steam-boats would be equipped in the Netherlands, each to carry a kind of culverin, and a carronade, both for 26 pound balls, and four 6-pounders. Each of these vessels is to take on board 130 lasts of coals, so that their voyage to Batavia may be made in 74 days. They are to be employed in putting down piracy, and it is expected that they will perform essential services."

"Letters from Batavia of the 7th Aug., received at Rotterdam, say that the reports from the interior were by no means favourable, but there was reason to believe that all the mischief was confined to the surprise of a small detachment of our troops, with which there were some Princes of Djockjo, who, as well as the whole detachments, consisting of a lieutenant and fifty men, chiefly natives, were taken prisoners by the rebels. Reinforcements from Europe were impatiently expected, and it was hoped they would be sufficiently considerable to put an end to the war at once."

We have received Papers from the Cape of Good Hope, extending from the 1st of July to the 26th of August, with, however, a breach in the series, arising from the obstacles thrown in the way of their regular transmission by the public offices through which they have to pass. The absurd and useless regulations, with respect to the postage of newspapers from abroad, stands in need of great revision. It frequently happens, that a packet of Indian or Cape Papers reaches us, the charge for postage on which is ten or twelve *guineas*, so heavy is the authorized tax on the transmission of public intelligence. And what is still worse than even this, the papers are themselves frequently interrupted in their progress by official hands, chiefly, however, we believe, before they reach England, so that we remain sometimes for months without direct supplies, and are consequently then dependent on the casual and accidental sources that may present themselves.

The Cape Papers contain no particular articles of News that press for immediate notice. But it has some excellent Essays on subjects connected with Colonial Government, to which we shall draw the attention of our readers in a more specific manner. The 'South African Commercial Advertiser' is one of the best papers that we receive from the Eastern world, and we trust its influence will be felt in such a manner as to prove that a Free Press is capable of effecting more towards the reform of abuses in a distant government than Commissioners of Inquiry or any other instrument yet devised for that important purpose.

Since our pages were closed for the press, the following notices on the affairs of Persia have appeared in the 'Globe' of the 25th and 26th of November :

At an early hour this morning it was reported that an overland despatch had been received from India ; it was accompanied with the usual recommencement of hostilities with the Burmese, &c. &c. On tracing the origin of this rumour, we find it was occasioned by the unexpected arrival of Henry Willock, Esq. the late Chargé d'Affaires of this country at the Court of Persia. His journey is stated to have been occasioned by the hostilities between Russia and Persia, and he is also reported to be the bearer of a treaty between the English East India Company and Persia.

Though the war with Russia may have hastened Mr. Willock's journey, it cannot have been the cause of it, as Mr. Macdonald Kinnier had arrived to take the place of Mr. W., as Resident at the Persian Court, before the departure of the latter.

The following account of the commencement of the war on the Persian frontiers, is given in a morning Paper (the *Chronicle*), on the authority of a letter from Persia, which we copy, because it is the only narrative which has yet been published of the first events of the war, in which the Russians appear to have been taken by surprise by the assailants. It must be observed that the Russian accounts, in which they claim important advantages, refer to a time subsequent to the date of this letter :

" PERSIA, Aug. 22, 1826.—You will not be a little astonished to learn that Persia has declared war against Russia, and in the last twenty days, (which includes the whole time that hostilities have lasted,) has driven the Russians to the gates of Teflis, expelled them from Talish, the island of Salian, Ganja, Shirwan, and all Karabang, except the fortress of Sheesha, which has been invested for ten days, and is already treating for a surrender. We all thought that Persia's doom was fixed the moment she declared war on Russia ; now we find her driving that power before her, without any apparent resistance on the part of Russia, whose bad government has driven all the Mohammedan inhabitants in this part of her dominions into open rebellion, and her own soldiers to desertion, whenever an opportunity can be found.

" The Russians, from the moment of their gaining possession of Georgia, and the countries south of the Caucasus, have made it their object uniformly to drive out the Native chiefs, who had submitted to them. Some, as the Royal Family of Georgia, were sent to Russia on pensions ; and this has also been the case with some of the Mohammedan chiefs, who had served them with the greatest fidelity. Others, as Mustapha Khan, of Sheerwan, Mehdi Khan, of Karabang, &c. made their escape into Persia. Every one of these had capitulated to Russia on certain terms, not one article of which had been observed, and the commandants stationed in all these provinces maltreated the inhabitants at their pleasure ; it was not extraordinary, therefore, that these people should be ripe for revolt. The numerous complaints, too, that reached the heads of the Mohammedan religion in Persia and Arabia, every day from these countries, excited a strong feeling ; and the King at last was obliged to pledge himself to declare war against the Russians, in case they refused to restore certain trifling places claimed on the frontier of Erivan, by Persia (Palukloo, and the Gunney of Goukeka.) Prince Menzekoff declared his inability to do so without orders from his Court, to which he promised to make reference : but this was refused, and Abbas Meerza entered Karabang about the 27th of July.

" The Russian officers had taken no precautions against an enemy they had always so much despised ; the guard at the bridge of Khuda-auferrine (over the river Arras) when attacked had not time to remove a few sticks which had been thrown over the broken arches, for the convenience of caravans ; and on it the Persian army crossed the river. The Russian officer commanding in

Karabang slowly awoke from sleep, and ordered his dispersed forces to assemble; but it was too late; the Persian cavalry intercepted them, and, after a trifling resistance, 1100 men (and four guns) were killed, wounded, or taken. The prisoners amounted to seven hundred and eighty, among whom were a colonel, two majors, and ten officers. The Russians now advanced against Sheeska, and, on the 3d of August, learned that the garrison of Gango had been destroyed by the inhabitants, who had gained possession of the fortress by treachery. It was instantly occupied by 3000 Persians, and this secures their future operations against Teflis."

"The circumstances of this exploit are worth relating. The garrison consisted of from 1000 to 1100 men, and the fortress was considered perfectly sufficient to resist any attack of the Persians, even had the garrison been much smaller. The commandant, being ordered to detach whatever assistance he could spare to the force in Pembeek (on the Erivan frontier), he sent to the principal Mohammedan inhabitants of the place, and insisted on their swearing to be faithful to Russia on the Koran. They objected to this, without previously consulting their Moollah (Priest), and demanded time to do so. The Moollah recommended them not to hesitate, as such an oath would not be binding towards infidels; so they took it. The commandant then called on the Moollah, and told him that being satisfied of his fidelity, he was about to confide the care of the place to him, with a garrison of three hundred men; he himself marched with the remainder towards Erivan. The Mohammedans being freely admitted into the fort, distributed spirits and provisions among the Russians, who, thus thrown off their guard, became an easy prey, and were destroyed to a man, without any disturbance. The Mohammedans then followed the rest of the Russians; and the Moollah, with two or three chiefs, going into the commanding officer's tent, informed him that they had received certain information of an intended insurrection: their men followed in small parties, and mingling with the Russians, who had no suspicion, fell on them suddenly, sword in hand, and put the greater part to death. Thus fell this important fortress, by the most blameable neglect of every precaution. Sheerwan instantly rose, and destroyed the few Russians in that province; and General Yermoloff, by remaining, as he does, on the defensive, will render the revolt still more general; should it be followed by that of Georgia, he is lost, with all his army, which is three times as numerous as that with which his predecessor conquered and maintained the provinces now in danger, when the French were at Moscow. Surely these are not the same men who won Georgia? Though Persia may have a formidable attack to sustain next year, such is the infatuated policy of Russia with regard to these provinces, and so great the advantages she has so weakly lost, that the contest will at least, in all probability, be more obstinate and tedious than before.

"I cannot but advert to the infamous conduct of the King, in ordering the Russian Ambassador to be arrested and confined at Erivan, where he still is. It is needless to repeat the pretences on which this step was taken; it was certainly in direct violation of his word, most solemnly given, and of every principle of international good faith. Equally barbarous, and more disgusting, was the display of minarets of Russian heads, and the cruel order to sell the Russian prisoners as slaves; all this is, however, true, and such conduct must, doubtless, put it out of the power of Great Britain to interest herself in favour of Persia, should she require assistance in future. In fact, no Minister is safe, and I think we should all make our escape as soon as possible."

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The following intelligence from the army in Georgia, is dated St. Petersburg, Oct. 12:

"Abbas Mirza evacuated the Russian territory, after being completely defeated on the 23d September near Elizabethpol. He raised the blockade of

the fortress of Choucha, and re-crossed the river Araxes since the 30th. The enemy fled with so much precipitancy, after our victory of the 25th, that Lieutenant-General Prince Madatoff could not possibly overtake him. A detachment of Persian horse followed Abbas Mirza beyond the Araxes; the infantry dispersed, took to the mountains, and endeavoured, with all possible speed, to gain the frontiers of Persia. The Adjutant-General Paskutch was ordered to march some troops into the Chirvan country, to drive the Persians away who might remain there, as well as from the southern part of Daghestan. Major-General Davydoff, who commands in the province of Erivan, attacked the enemy commanded by Hassan Khan, brother of the Sardar, and Chief of that province, on the 3d of October, near the Castle of Mirac. The Persians were entirely put to the rout, and, after sustaining considerable loss, were pursued by Major-General Davydoff as far as Sondagent, two days' march from Erivan, where the Sardar shut himself up, without giving the slightest assistance to his brother.

"The son of the former Khan of Elizabethpol, Ougourla-Khan, who was taken prisoner at Tector, declared that the army of Abbas Mirza was, in the battle of September 25, composed of 24 battalions of from 800 to 1000 fighting men each, of 24 pieces of cannon, and 12,000 cavalry, besides 8000 men of different descriptions of troops.

"The head-quarters of Adjutant-General Peskenitch was at Kondolan, not far from Choucha, and that of General Vermoloff at Hassonsou, in the district of Chamehadri; Abbas Mirza had passed the Araxes at Aslongon. According to the latest accounts, he was, on the 1st of October, at Marillian, to the left of Aslangans, in the vicinity of the mountains; and the Shah of Persia himself was at Agar."

Mr. Willock having brought despatches from the Persian Court, complaining of the conduct of Russia, and asserting that the provocation received from the latter power rendered an appeal to arms necessary, some of our contemporaries have concluded that this assertion must be true, and that a train has been laid by Russia for aggression and extension of territory. This conclusion is rather hasty, and entirely opposed to the accounts of all impartial persons (Englishmen) who have been acquainted with the progress of the quarrel. The real state of the case seems to be, that the Russian authorities have given great provocations, *not* to Persia, but to the Mahomedan tribes on their own (the Russian) frontiers, and that a religious feeling on the part of the Persians, and a warlike enthusiasm on the part of the Heir Apparent, made it difficult for the Persian Monarch to prevent a war. There is not the slightest doubt that the war was, on the part of Russia, quite unexpected—that its troops were taken by surprise, and serious losses suffered by them on the breaking out of hostilities.

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## DEFICIENCY OF OFFICERS IN THE INDIAN ARMY.

*To the Editor of the Oriental Herald.*

SIR,—Much has been said and written upon the efficiency or inefficiency of the present mode of officering the Native regiments of India; and an attentive perusal of what has been advanced upon the subject can scarcely fail to convince an unprejudiced mind, that the number of European Officers, whom the present system allows to be with their corps, is altogether insufficient to insure the object for which European officers have been attached to them.

The Monthly Army List, published in Calcutta on the 1st of December last, is now before me; and, on examination of the state of the different corps of Infantry of the Bengal establishment, gives the following result:

There are 76 Regiments; viz. 2 European, 68 Native of the Line, and 6 Extra, with five Captains borne on the strength of each, giving . . . . .	380
The senior half of the Lieutenants . . . . .	380
	<hr/>
Making a total of . . . . .	760
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Of which there are absent, <i>permanently</i> , either on the General Staff, or attached to corps not of the line . . . . .	240
And on furlough . . . . .	70
	<hr/>
Total . . . . .	310

Leaving a balance of 450 officers, who may all be presumed to have experience in their profession, and a knowledge of the languages, habits, and prejudices of the men whom they are appointed to command, to be divided among 76 corps; being something less than six to each. From these, however, are to be deducted the two for regimental staff, who ought to, and will generally, be found among the senior Lieutenants, and those temporarily absent, either on leave, or with appointments not permanent. These latter, the Army List of December gives at 76; and, not to exceed in my calculation, I will assume only one half of the former, the regimental staff, to be among the five senior Lieutenants; which, together, give 152 more, or a total of 462, to be deducted from the number of experienced officers; leaving a fraction less than *four* for each regiment. It follows, that in some corps, six, and in others seven, of the companies must be commanded by the junior Lieutenants and Ensigns, or be divided among the seniors who already have companies, and the regimental staff; both of which alternatives, it will be admitted,

are injurious to the service, and are recognised as such by the regulations of the local Government ; which direct them to be adopted only in cases of emergency, and carefully prescribes the mode in which such measures shall take effect. It is evident that the result will not be precisely the same in every regiment ; in some there will be more officers holding staff appointments ; in others fewer. In the latter case, the discipline of the corps will be placed on a surer basis by the increased number of experienced officers ; in the former, it will be endangered by their deficiency. The average calculation, however, is sufficiently correct to draw from it a just estimate of the system.

From these data it is impossible not to make reflections of vital importance to our very existence in India ; for it will scarcely be denied, that that existence depends mainly on the fidelity and attachment of the Native soldiery of Bengal. They who have been attentive observers of what has passed in that quarter during the last twenty years, will admit that many rude blows have been given to that fidelity and attachment, by hasty and injudicious regulations, an accumulation of toilsome and vexatious duties, (necessarily followed by relaxation of discipline,) the curtailment of various little privileges which tended to give the Sipahce consequence in his own eyes, as well as in those of his neighbours, the gradual progress of a system calculated to dragoon him into the mere passive machine of a German soldier ; and a succession of sundry other measures which, with reference to European soldiers, might be considered the result of improved discipline ; but which are yet diametrically opposed to the national character, religious prejudices, and peculiar habits of the Sipahcees.

In the tie which bound these Eastern soldiers to their officers in former times, there was something equally honourable to the ruler and the ruled, and which it was delightful to contemplate. The Sipahce looked to his officer for every thing ; he was not only his commander, but his father and his friend ; and, in his turn, the officer regarded the Sipahcees of his company as his children. He knew their little histories, he forwarded their interests, and was their refuge and adviser in all their difficulties ; and let the long record of their gallant deeds, their loyalty and devotion, to the Company, their attachment to their officers, and their patient endurance of hardships and privations, bear honourable testimony to what they were under such a system. Thank God ! that loyalty and devotion, though perhaps shaken, are not utterly destroyed. The spark yet glows, and requires but the fostering hand of kindness and consideration to blaze again into a flame. The events of the war, now fortunately brought to a conclusion, afford ample proof that such feeling does exist, as well as that it is not to be neglected with impunity, or reckoned upon with too careless a security. The cheerfulness with which one division of the army, the North Eastern, composed solely of Bengal Sipahcees, unaided

by a single European, encountered incessant toil, and sustained hardships and privations of every kind; and the persevering gallantry with which, under a leader of their own line, they attained the object for which they were sent into the field, I would adduce in testimony of the former assertion; while the ever-to-be-lamented mutiny at Barrackpore is an unanswerable proof of the latter. No one who has considered the events of that unfortunate day, and the causes which gave rise to them, in conjunction with the subsequent conduct of the Sipahces during the war, can entertain a moment's doubt that the mutiny would have been averted, and the numerous desertions that occurred during the advance of the Native troops towards the frontier been prevented, had the commanding officers of corps been consulted as to what would be required to insure the comfort and efficiency of their men; or had one half of the attention been paid to their just claims before the mutiny, which was granted in lavish profusion *subsequently* to its occurrence.

But I am touching on a topic which would lead me far beyond the limits of a letter. My object in addressing you, was to afford grounds, founded on actual calculation, of estimating the efficiency of the present system of officering the Native corps, or otherwise. If it be admitted that the influence of the European officers is necessary to maintain discipline, to lead the Native soldiers with effect against the enemy, to guide their peculiar prejudices, to direct and cultivate their many admirable qualities, and thereby to secure their attachment and efficiency, (and he would be a stout disputant who would deny that, in these days, such influence is necessary for all these purposes,) then it is unquestionable, that there ought to be a sufficient number of officers capable of exercising these important duties, effectually throughout the whole corps, present with each regiment; yet the calculation above shows that the presence of not more than four, or at most five of the Captains and senior Lieutenants can, with any certainty, be relied on. If the superintendence of the men be further divided among the juniors, the remaining five Lieutenants and the Ensigns, (of whom too nearly one half will be found wanting, either on the staff, on leave, sick, or deficient,) the advantages derived from experience must be given up; and a proportionate loss of the general efficiency of the corps must be the necessary result. It is not, at present, my intention to discuss a remedy for what must, I think, be admitted to be an evil. The question, I am aware, is attended with many difficulties; and opinions will be various upon it. It has, I believe, and probably still does occupy the attention of our honourable masters; and as the thoughts of those whose judgment is formed on experience, can scarcely fail to be acceptable, if expressed with temper and moderation, I shall be glad if my communication should prove the means of eliciting from some of your more able correspondents, their sentiments on so important a subject.

MILES BENGALENSIS.

November 20, 1826.

## CIVIL AND MILITARY INTELLIGENCE.

## CALCUTTA.

## MILITARY APPOINTMENTS.

*Fort William, April 14, 1826.*—Lieut. Roebuck, 3d Extra N. I., permitted to resign Adjcy. of Mhairwarra Local Bat., and directed to join his regiment at Mynpoorie.—25. Lieut. P. W. Willis, of Engineers, appointed to Corps of Sappers and Miners; Capt. T. Hepworth, 61st N. I., to be Aid-de-Camp to Maj. Gen. G. Dick, commanding Dinapore Division, from 1st April, v. Kerr, appointed Superintendent of Cadets.

*April 14.*—*Cornets appointed to do Duty.*—J. Hickey and P. S. Hamilton with 1st L. C. at Sultanpore, Benares; P. Cotton and G. Reid, with 9th do. at Cawnpore; P. C. Bourdillon, G. T. MacClintock, and C. W. Richardson, with 1st do. at Sultanpore, Benares; G. Murray, with 9th do., at Cawnpore.

*Ensigns appointed to do Duty.*—C. Ardin with 49th N. I., at Dinapore; S. D. Agar, with 49th at Benares; C. Terraneu, with 26th do. at Cawnpore; J. Monro, with 49th do. at Benares; M. Wilson, with 62d do. at Benares; T. Hutton, with 20th do. at Barrackpore; W. P. Meares, with 28th do. at Barrackpore; Ens. J. Sissmore, with 11th do. at Kurnaul; T. F. Tait and P. S. Chinn, with 28th do. at Barrackpore; D. Wilkie, with 45th do. at Benares; G. C. S. Goodday, with 20th do. at Barrackpore; R. Ouseley, with 50th do. at Allahabad; A. H. Duncan, with 44th do. at Dacca; J. Biscoe, with 27th do. at Dacca; A. Heyland, with 40th do. at Dinapore; A. W. Taylor, with 66th do. at Barrackpore; J. Bunce, with 22d do. at Berham-pore; D. Downes and C. O'Brien, with 50th do. at Allahabad.

## REMOVALS AND POSTINGS.

Capt. Timbrell from 1st comp. 5th bat., to 4th comp. 2d bat.; Capt. Croxton from 11th comp. 6th bat. to 1st comp. 1st bat.; Capt. Sotheby (new prom.) to 11th comp. 6th bat.; Lieut. G. Twenlow from 4th comp. 5th bat. to 1st comp. 2d bat.; Lieut. J. H. Macdonald (new prom.) to 4th comp. 5th bat.; 2d-Lieut. F. G. Mackenzie to 12th comp. 6th bat.; 2d-Lieut. H. Wintle to 1st comp. 2d bat.

## PROMOTIONS.

*Fort William, May 1.*—21st N. I.—Ens. C. Cook to be Lieut. from 18th Feb. in suc. to Palmer cashiered.—May 5th.—23d. N. I. Ens. J. C. Cooper to be Lieut. from 12th April, in suc. to Becher dec.

## MEDICAL APPOINTMENTS.

*April 17.*—Mr. Twining to resume his duties of Surg. to Commander-in-chief from 10th April.—Surg. J. Adams posted to 16th N. I.—24. Surg. J. Nicholl, late 12th Extra N. I., to have charge of 45th N. I. at Benares.—May 1. Assist. Surg. C. Ray to be Surg. from 25th March, in suc. to Ridges dec.—5. Assist. Surg. D. Butler temporarily appointed to medical duties of civil station of Ghazepore, v. Stewart; Assist. Surg. N. Morgan, to resume his former duties in Nizam's service.

## FURLONGHS.

*To Europe.*—April 27. Lieut. R. A. MacNaghten, 61st N. I., on urgent private affairs.—May 1. Lieut. C. Cheape, 51st N. I., for health.

## KING'S FORCES IN INDIA.

(From the London Gazette.)

*16th Light Dragoons.*—G. S. Deverill, Gent., to be Cornet by purchase, v. Bonham, whose appointment has not taken place; dated Nov. 2, 1826.

*6th Foot.*—Lieut. G. W. Nash, from half-pay 103d Foot, to be Lieut. v. Walsh, from the Royal African Colonial Corps; dated Oct. 19, 1826.

*14th Ditto.*—Maj. Sir John Rowland Eustace, from half-pay 19th Light Dragoons, to be Capt. v. Marshall, prom.; dated Nov. 14, 1826.

*18th Ditto.*—Capt. T. Moore, from the 98th Foot, to be Capt. v. Weld, prom.; dated Nov. 7, 1826.

**38th Ditto.**—Ens. M. J. Gambler, from 11th Foot, to be Lieut. by purchase, v. J. Campbell, prom.; dated Oct. 19, 1826. Capt. G. B. Sutherland, from the half-pay, to be Capt. v. Grant, prom.; dated Nov. 7, 1826.

**40th Ditto.**—Lieut. M. Dalrymple, to be Capt. by purch., v. Stewart, who retires; dated Oct. 26, 1826. Ens. J. Stopford, to be Lieut. by purch., v. Dalrymple, prom.; dated Nov. 2.

**43d Ditto.**—Ens. Hon. W. S. Clements, to be Lieut. by purch., v. Denham, prom.; dated Oct. 31, 1826. H. Tufton, Gent., to be Ens. by purch., v. Clements, prom.; dated Nov. 2.

**44th Ditto.**—2d-Lieut. Stewart, from 21st Foot, to be Lieut. by purch., v. Fraser, who retires; dated Nov. 7, 1826. Lieut. H. Wooton, from 17th Foot, to be Lieut., v. Short, who exchanges; dated Nov. 2.

**46th Ditto.**—Ens. W. G. Beare, from 3d Foot, to be Lieut. by purch., v. Varlo, whose promotion, by purchase, has been cancelled; dated Oct. 26, 1826.

**55th Ditto.**—Ens. P. R. Peck to be Lieut. by purch. v. Cumberland, prom.; dated Nov. 14, 1826.

**63d Ditto.**—Lieut. J. Jordan to be Capt. by purch. v. Campbell, prom.; dated Nov. 7, 1826. J. P. Hickman, Gent., to be Ens. by purch., v. Kingston, prom.; dated Oct. 19, 1826.

**76th Ditto.**—Capt. R. F. Martin from half-pay, to be Capt. v. Burdett, prom.; dated Nov. 7, 1826. Major A. Lane from half-pay, to be Major, v. W. Bampton, who exchanges, receiving the difference; dated Oct. 19. Capt. R. Burdett, from half-pay, to be Capt., repaying the difference to the Half-pay Fund, v. Gaff, prom.; dated Oct. 31.

**83d Ditto.**—Ens. H. F. Ainslie to be Lieut. by purch. v. Anstruther, prom.; dated Nov. 7, 1826. J. G. Poles, Gent., to be Ens. by purch. v. Ainslie, prom.; dated Nov. 14. Hospital-As ist. T. E. Ayre to be Assist.-Surg. v. M'Dermott, app. to the 61st Foot; dated Nov. 2.

**97th Ditto.**—Capt. G. F. Graves from the 60th Foot, v. Berkeley, who exchanges; dated Oct. 26, 1826. Capt. T. O. Cave from half-pay 10th Lt. Dragoons, v. Twigg, whose appointment has not taken place; dated Oct. 26, 1826.

*Royal African Colonial Corps.*—Lieut. J. Jackson to be Capt. v. Gregg, dec.; dated Nov. 3, 1826.—To be Lieutenants: Ens. J. P. Hardy v. Godwin, dec.; Ens. C. Nott, v. Wyse, dec.; Ens. E. Miller, v. Cooke, dec.; Ens. W. Russell from the 1st West India regt., v. Jackson; all dated in Nov. 1826.—To be Ensigns: H. Rishton, v. Stapleton, dec.; W. W. Percival, v. Hardy; J. Isaac, v. Nott; T. Green, v. Miller; all dated in Nov. 1826.—To be Assistant-Surgeons: Hosp.-Assist. P. J. Meade, v. Cahill, dec.; dated Nov. 1. Hosp.-Assist. T. B. Sibbald, v. Ryan, dec.; dated Nov. 2.

## MARRIAGES AND DEATHS.

### EUROPE.

*Marriages.*—Oct. 11. H. S. Isaacson, Esq. of the Hon. East India Co.'s Naval service, to Mary, third daughter of J. Chitty, Esq., of the Middle Temple.—Nov. 11. The Rev. W. Stenner, A. B., of Ingoldsthorpe, Norfolk, to Ann Margaret, second daughter of the late Col. Lock, of the Hon. East India Co.'s service.—Lately, Lieut.-Col. Tod, of the East India Co.'s service, to Julia, third daughter of Dr. Clutterbuck, of New Bridge-street.—At Craigmaddie, Capt. Alex. Dirom, 8th Foot, to Joanna, daughter of Lieut.-Gen. Peter.—Mr. E. Jenkins, of the East India House, to Mary, third daughter of the late Rev. W. Stevens, A. M.

*Deaths.*—Nov. 2. At Hereford, Capt. T. Langton, late of the 29th Foot, aged 42.—11. In London, Col. Harnage, in the 88th year of his age.—13. At Chester, Capt. George Moulson, 35th Foot.—18. At Cheltenham, Sir James Monk, formerly Chief Justice in Lower Canada.—25. At Maida Hill, William Carr Royall, Esq., many years Lieut.-Col. of his Majesty's 61st regt.—At Dysart, Scotland, Capt. J. Reddie, of Redhouse, late Master-Attendant, Madras.—Lieut.-Gen. Kyd, aged 73.

## SHIPPING INTELLIGENCE.

## ARRIVALS FROM EASTERN PORTS.

Date. 1826.	Port of Arrival.	Ship's Name.	Commander.	Place of Depart.	Date.
Oct. 26	Off Cowes ..	Suffolk ..	Endicott ..	Batavia ..	July 6
Oct. 28	Downs ..	Liverp. Packet	Coffin ..	Batavia ..	July 11
Oct. 28	Off Liverpool	Ospray ..	Macgill ..	Bengal ..	April 19
Oct. 28	Off Dover ..	Fortitude ..	Barcham ..	Singapore	May 23
Nov. 2	Off I. Wight	Franklin ..	Tellinghurst	Batavia ..	Mar. 22
Nov. 6	Off Falmouth	E. of Egremont	Johnson ..	Cape ..	Aug. 3
Nov. 9	Downs ..	Grecian ..	Smith ..	Mauritius	July 20
Nov. 14	Off Portsmo.	Zenobia ..	Lihou ..	Bengal ..	June 24
Nov. 14	Downs ..	Lady of the Lake	Martin ..	Bengal ..	Feb. 28
Nov. 14	Downs ..	Sesostris ..	Drake ..	Batavia ..	July 23
Nov. 14	Downs ..	Prince Regent	Lamb ..	Mauritius	July 20
Nov. 14	Liverpool ..	Roseoe ..	Hargraves	Bengal ..	May 16
Nov. 15	Downs ..	George ..	Clark ..	Bengal ..	May
Nov. 16	Off Portsmo.	Kath. S. Forbes	Chapman ..	Bengal ..	June 8
Nov. 16	Downs ..	Coriolanus ..	Cole ..	Mauritius	July 11
Nov. 16	Off Scilly ..	Chr. Barnardino	Zyolstra ..	Batavia ..	July 4
Nov. 16	Off Dover ..	Orient ..	White ..	China ..	Mar. 14
Nov. 17	Downs ..	Eliza ..	Dixon ..	Bengal ..	May 7
Nov. 18	Gravesend ..	Elphinstone ..	Maclean ..	Bengal ..	Feb. 23
Nov. 18	Off Dover ..	Java ..	Scott ..	Batavia ..	July 22
Nov. 21	Off Dartmo.	Sir T. Munro	Coates ..	Bengal ..	May 26

## ARRIVALS IN EASTERN PORTS.

Date 1826.	Port of Arrival.	Ship's Name.	Commander.	Port of Depart.
May 30	Bengal ..	Ganges ..	Lloyd ..	London
May 30	Bengal ..	Macqueen ..	Walker ..	London
June 12	Madras ..	Georgiana ..	Haylett ..	London
June 14	Bengal ..	Clydesdale ..	Rose ..	London
June 29	Batavia ..	Matilda ..	Bulley ..	Liverpool
July 16	Mauritius ..	Duke of Bedford	Tween ..	London
July 20	Mauritius ..	Alexandria ..	Richardson	London
Aug. 8	Mauritius ..	Emulous ..	Welbank ..	London
Aug. 11	Cape ..	Sarah ..	Miller ..	London
Aug. 18	Anjeer ..	London ..	Southby ..	London
Aug. 18	Anjeer ..	Wm. Fairlie ..	Blair ..	London
Aug. 18	Anjeer ..	Canning ..	Broughton ..	London
Aug. 18	Anjeer ..	General Harris	Stanton ..	London
Aug. 28	Madeira ..	Woodburne ..	Bevan ..	London
Sept. 6	St. Helena ..	Eliza ..	Dixon ..	Bengal
Oct. 2	Madeira ..	Cambrian ..	Blythe ..	London
Oct. 7	Madeira ..	Sarah ..	Tucker ..	London
Oct. 9	Madeira ..	John Palmer	Clarke ..	Portsmouth
Oct. 10	Madeira ..	James ..	Reynolds ..	Liverpool

## DEPARTURES FROM EUROPE.

Date. 1826.	Port of Depart.	Ship's Name.	Commander.	Destination.
Oct. 28	Deal ..	Caledonia ..	Bell ..	N. S. Wales
Oct. 31	Deal ..	C. of Dunmore ..	Macluckie ..	Bengal
Oct. 31	Deal ..	Oscar ..	Stewart ..	Cape
Nov. 2	Deal ..	Madeira Packet	Williams ..	N. S. Wales
Nov. 15	Deal ..	Dove ..	Cooke ..	Cape

*General List of Passengers.*

Date. 1826.	Port of Depart.	Ship's Name.	Commander.	Destination.
Nov. 19	Deal ..	Elizabeth ..	Collins ..	N. S. Wales
Nov. 19	Portsmouth	Brothers ..	Briggs ..	Cape
Nov. 20	Deptford ..	Mariner ..	Nosworthy ..	N. S. Wales
Nov. 21	Portsmouth	John ..	Freeman ..	Mad. & Bengal
Nov. 23	Deal ..	Hebo ..	Heaviside ..	Maur. & Beng.
Nov. 23	Plymouth ..	Walsingham ..	Bourke ..	St. Helena
Nov. 26	Cowes ..	Hottentot ..	Sinclair ..	Cape & Sing.
Nov. 26	Cowes ..	Narcissus ..	Calder ..	Cape
Nov. 26	Portsmouth	David Scott ..	Thornhill ..	Madras & Ben.

## GENERAL LIST OF PASSENGERS.

## PASSENGERS HOMEWARDS.

By the *Earl of Egremont*, from the Cape:—Capt. Watson; Messrs. Stadler, Edgar, and Almer; Mrs. Almer and two children.

By the *Caroline*, from Bengal:—Capts. R. Cockerell, H. Vaughan, and W. Joyer, 54th N. I.; Lieuts. H. Drew, S. Robins, J. Deverell; Ensign S. Wybrants; Quartm. W. Brice, H. M's. 67th regt.

By the *Prince Regent*, from Mauritius:—Lieut. Kelly, R. N.; Mrs. Kelly; Capt. and Mrs. Hogg, 6th regt.; Mons. Drew; Capt. Heathorne, late of the Windsor Castle.

By the *Roscoe*, from Bengal:—Capt. and Mrs. Snow, H. M's. 67th regt.; Master Snow; Mr. Goslen, merchant.

By the *Elphinstone*, from India:—Capt. J. Webster, left at Bombay; Lieut. M'Lean; Mr. Sater; Mrs. and Miss J. Hogg.

By the *Lady of the Lake*, from India:—Mr. Hewitt from the Cape; Master and Miss Kennedy from Madras.

## NOTICE TO CORRESPONDENTS AND SUBSCRIBERS.

*We are requested to state, that an article will be prepared for our next Number, in defence of the Proceedings of the Serampore Missionaries, with reference to certain facts adverted to in preceding Numbers of this Journal.*

*Several articles already prepared for this month are unavoidably deferred: among others, the Parable of Persecution—Excursions in Germany—Licencers of the Press—Fires in France—Commerce of Aleppo—and several Communications from India—all of which, however, will be given in our next.*

*The Title-page and Index for the Eleventh Volume of the ORIENTAL HERALD, which this Number completes, at the end of the third year since its establishment, will be given with the Number for January 1827. It may be well to repeat here, for the information of those who are desirous of making their sets of the work perfect, that the early Numbers are fast getting out of print: and that the number of copies now printed being no more than equal to the demand, the difficulty of procuring such perfect sets will hereafter be much increased.*

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